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2 A. Other than what I just said, I don't.
3 Q. Do you know if the in-house counsel
4 collected documents from someplace?

5 A. I'm not certain.
6 (Luncheon recess: 1:02 p.m.)

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2 Drayer, and I think you spell it DRAYER. It may be
3 the same person, it may just be misspellings of the
4 last name. I just want to be sure. Did you ever
5 communicate with him regarding any documents in
6 this case?
7 A. I don't recall if we did.
8 Q. With respect to the individuals
9 mentioned in this morning's session, in addition to
10 the ones we talked about on the initial disclosure
11 of that list which would encompass others that you
12 had mentioned, did you ever ask them for, if they
13 had documents concerning the Unified Communications
14 general agreement, or the negotiation concerning
15 it, or the pricing structure of it, or the drafting
16 of that document?

17 MR. DRISCOLL: Excuse me. Read that
18 back.

19 (Record read.)

20 MR. DRISCOLL: Object to the form of the
21 question. It starts out with asking about
22 individuals, and then moves to asking about
23 content of conversations, so it's a confusing
24 question.

25 MR. SMITH: All right. I'll try and

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3 AFTERNOON SESSION
4 (Time noted: 1:58 p.m.)
5 DONALD C. RAMSAY, resumed and testified as
6 follows:

7 EXAMINATION BY

8 MR. SMITH (Cont'd.):

9 Q. Obviously, you're still under oath after
10 your lunch break.

11 A. I understand that, yes.

12 Q. Did you, or anyone from Stinson, ever
13 request or communicate -- let me try to rephrase
14 it, I'm sorry. Did you, or anyone from Stinson,
15 ever communicate with a person by the name of
16 Richard Dryer concerning any documents in this
17 case?

18 A. Don't recall that we did. I don't
19 recall if we did.

20 MR. DRISCOLL: Spell the name please.

21 MR. SMITH: D R Y E R.

22 A. I don't recall. It's possible, but I
23 don't recall.

24 Q. Did you, or anyone from Stinson, ever
25 communicate with a person by the name of Richard

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2 rephrase it. I didn't think it was confusing,
3 but I'll rephrase it.
4 MR. DRISCOLL: It's okay.
5 Q. Did you request, of any of the
6 individuals we discussed this morning, any
7 documents concerning the Unified Communications
8 services general agreement, including but not
9 limited to, the negotiations, drafting, pricing of
10 the services under that agreement?

11 A. Yes, we would have asked first of all,
12 generally, for everything that they had that
13 related any way to EffectNet, and in addition, at
14 least I believe, the individual topics would have
15 been discussed in one or more of those
16 conversations.

17 Q. Do you have a recollection of discussing
18 that topic with any of those individuals?

19 A. You've got a list of topics. Yes, I
20 recall discussing those topics specifically.

21 MR. DRISCOLL: Just so we're clear, the
22 Unified services agreement to which you're
23 referring is the November 20, 2000 agreement
24 between EffectNet and Intermedia?

25 MR. SMITH: Correct.

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2 Q. Did you request of any of the
3 individuals who were mentioned this morning in our
4 discussion, whether they had any documents
5 concerning the cessation or termination of the
6 Unified Communications agreement, the November 20,
7 2000 agreement, hereabout at all?
8 A. I believe we did, yes.
9 Q. What were their responses?
10 A. The question is, did they have
11 documents?
12 Q. Correct.
13 A. In general, did not.
14 Q. Did any of them specifically have any
15 documents?
16 MR. DRISCOLL: Asked and answered.
17 A. Did any of who, I guess?
18 Q. Any of the individuals you mentioned you
19 spoke with, or Stinson spoke with, the names of
20 which we mentioned this morning?
21 A. Relating to cessation?
22 Q. Or termination of the agreement.
23 A. Well, we produced documents relating to
24 the termination of the agreement. And I can't
25 recall exactly who produced what, but I think I've

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2 clear. I don't know whether you're using that as a
3 defined term so to speak, or just sort of the every
4 day use of the words, that they were documents that
5 were stored. If you recall what I'm talking about,
6 for clarification...
7 A. I don't know what you call a defined
8 term. I'm not going from a specific definition
9 that I read or anything to that effect, but I do
10 intend it documents that are stored at locations
11 such as Iron Mountain.
12 Q. Do you intend to include other places of
13 storage that you just don't know the names of?
14 A. I know the name of one of them. There
15 may be others.
16 Q. Besides from Iron Mountain, where else
17 does either WorldCom Intermedia or one of the other
18 entities have documents stored?
19 A. Mississippi Filings.
20 Q. Any others?
21 A. That's the only one I'm aware of.
22 Q. Do you know if WorldCom or Intermedia,
23 any of the entities that are include within those,
24 have documents stored elsewhere?
25 A. Elsewhere meaning, other than at --

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2 told you generally who produced documents that
3 included some related to the cessation of that
4 agreement.
5 Q. Do you know if WorldCom ever destroyed
6 any documents?
7 A. WorldCom, ever any time? I'm not --
8 Q. Since 2000, do you know if WorldCom has
9 destroyed any documents?
10 A. I don't know. Anybody at WorldCom
11 anywhere?
12 Q. Do you know since 2000, if anyone at
13 Intermedia destroyed any documents?
14 A. I don't know, I don't know.
15 Q. When you were inquiring of the
16 individuals mentioned earlier this morning, whether
17 they had any documents on any of the topics, did
18 you ever ask them whether or not they had - had at
19 one time documents, but since do not?
20 A. I don't recall asking them, no.
21 Q. Do you know if anyone at Stinson ever
22 asked them?
23 A. Not that I recall.
24 Q. Earlier this morning you mentioned
25 words, "stored documents", and I just want to be

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2 other than where?
3 Q. Other than either at Iron Mountain or
4 Mississippi Filings?
5 A. I'm not certain. Let me correct my
6 answer. I do know of some that are stored in the
7 corporate library at Ashburn.
8 Q. Corporate library at Ashburn, Virginia?
9 A. Virginia.
10 Q. When the searches were conducted by, or
11 at the direction of the individuals, Miss Tate,
12 Miss Taylor, Mr. Beckman or Mr. Hasselvander, of
13 what facilities were those searches conducted at?
14 A. Again, I don't believe they were
15 searches of facilities. They were searches done on
16 a computerized system that has all stored documents
17 on it.
18 Q. Did the computerized system on which the
19 searches were conducted, contain all the documents
20 that were maintained at Iron Mountain and
21 Mississippi filings and the corporate library at
22 Ashburn, Virginia?
23 A. I believe they did.
24 Q. Did the computerized data bases contain
25 documents stored elsewhere?

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2 A. I believe they did, yes.
3 MR. SMITH: Can you mark this as Ramsay
4 Exhibit 2?
5 (Ramsay Exhibit 2, debtor's responses to
6 claimant's first request for production of
7 documents, marked for identification, as of
8 this date.)
9 Q. I'm going to put in front of you what we
10 marked for identification as Ramsay Exhibit 2.
11 Once again, it's a document with a caption United
12 States Bankruptcy Court for the Southern District
13 of New York, chapter 11 case number 02-13533 In Re,
14 WorldCom Inc. et al and it's a document entitled
15 debtors responses to claimant's first request for
16 production of documents. It has a certificate of
17 service of March 25, 2005. Do you recognize the
18 document?
19 A. I do.
20 Q. Did you assist in preparing the
21 document?
22 A. I did.
23 Q. If you turn to page seven of the
24 document, I have some questions for you in the
25 section that's entitled "continuing effort to

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2 to here as Intermedia documents?
3 A. I believe they did, yes.
4 Q. Did they include any other documents?
5 A. I believe they did.
6 Q. What other documents?
7 A. I believe the search produced some
8 documents that were not Intermedia documents in the
9 sense that they were originated through Intermedia.
10 Q. Do you know from what entities other
11 documents were included within the computerized
12 data bases, that were searched for documents?
13 A. Oh, no, certainly not.
14 Q. You don't know?
15 A. No. All entities as far as I know.
16 Q. Based on your conversation with
17 Mr. Hasselvander?
18 A. Right, correct.
19 Q. Do you know if there were any documents
20 that were, or that originated from Intermedia, that
21 had not been boxed up and sent to storage?
22 A. My understanding was that the indexes we
23 provided were indexes of all existing documents
24 relating to the entire universe of them.
25 Q. That again, is based on your -- that

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2 locate documents." Feel free to take a look at
3 that section. Let me know when you've had a chance
4 to take a look at it.
5 A. Okay, okay.
6 Q. On page seven, there's at the top of the
7 page in parenthetical, second line there's a
8 reference to stored documents?
9 A. I do, yes.
10 Q. Is the stored documents that's here as
11 sort of a defined term, what you were referring to
12 earlier in your testimony as stored documents, or
13 something different?
14 A. I didn't participate in the preparation
15 of this particular section of it, but I believe
16 that's probably what's intended.
17 Q. I'm sorry, you did or did not
18 participate in the drafting of this section?
19 A. This section, I did not.
20 Q. Do you know who did?
21 A. Larry Bigus.
22 Q. Do you know if the documents that were
23 searched via the electronic data bases that you
24 mentioned, the computerized data bases, excuse me,
25 included the stored documents as they're referred

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2 understanding is based on your conversation with
3 Mr. Hasselvander?
4 A. That's correct and/or others that I
5 named, or with that same Records Management Group.
6 Q. I'm sorry, Miss Taylor, Miss Tate or I
7 believe, it was Mr. Beckman?
8 A. Joe Stevens, is what I mentioned
9 earlier.
10 Q. I don't recall you mentioning a Joe
11 Stevens, my apologies.
12 A. I thought I did. If I didn't, I should
13 have.
14 Q. A Joe...
15 A. Stevens.
16 Q. Where was he from?
17 A. He's with that same Records Management
18 Group.
19 Q. How did you communicate with him?
20 A. By phone.
21 Q. Did you ever communicate in writing with
22 him?
23 A. I don't recall.
24 Q. Do you know whether Mr. Stevens
25 conducted any searches of the computerized data

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2 base that you referred to?
3 A. I'm not sure. He might have.
4 Q. Do you know what his role or function is
5 at this Records Management Group?
6 A. I don't recall his title. He worked for
7 Mr. Hasselwander.
8 Q. Turn back within Ramsay Exhibit 2 to
9 Page 4, and it's starting on paragraph four, and
10 it's within the section objections to definitions.
11 A. Okay.
12 Q. Did you assist in the preparation of
13 this section meaning objections to definitions?
14 A. I believe, I may have. I think I did.
15 Q. Can you take a look at objection number
16 -- the objections that's contained in paragraph
17 number four of that section?
18 A. On page four, to the definition of
19 debtor?
20 Q. Correct. Feel free to read the entire
21 thing. I just have a couple of questions for you.
22 A. Okay.
23 Q. Does MCI -- you know what I mean in
24 terms of reorganized debtors -- or the debtors in
25 this case still maintain the objections that's

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2 corporations? I'd have to say the answer to that
3 is, no we didn't limit it, but I don't think
4 inquiry to the persons we knew might be involved
5 probably didn't cut across probably 200 corporate
6 lines, except for the computerized searches.
7 MR. SMITH: Can you mark that as Ramsay
8 3.
9 (Ramsay Exhibit 3, Debtor's Supplemental
10 Responses to Claimant's First Request for
11 Production of Documents, marked for
12 identification, as of this date.)
13 Q. Mr. Ramsay, you should have now what we
14 marked for identification as Ramsay Exhibit 3.
15 It's a document with a caption of United States
16 Bankruptcy Court Southern District of New York,
17 Chapter 11, case number 02-13533 in re, WorldCom
18 Inc. et al, and it's entitled Debtor's Supplemental
19 Responses to claimant's First Request for
20 Production of Documents. This one is unsigned, but
21 certificate of service of July 1, 2005. Do you
22 recognize the document?
23 A. Let me look at this. I don't, at first
24 glance, I don't recognize it.
25 Is there a question pending? The

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2 listed, or identified within this paragraph four?
3 MR. DRISCOLL: Objection to the
4 question, as calling for a legal conclusion.
5 Mr. Ramsay is here to testify about what was
6 done by way of document production. That
7 certainly provides an answer to the question
8 that is not legal, it's factual. But I object
9 to the question as framed, asking for a legal
10 conclusion.
11 Q. Did the debtors search for documents
12 within the files, or custody or possession of the
13 200 direct and indirect domestic subsidiaries of
14 WorldCom communications?
15 THE WITNESS: Could you read that back?
16 (Record read.)
17 A. I guess my answer would be they -- as
18 I've already indicated, my understanding is a
19 search for stored boxes, documents, in stored boxes
20 that cut across all corporate lines. When we made
21 inquiry of individuals we knew had been informed
22 might have information of documents relating to the
23 issues, we did not limit ourselves and say don't
24 produce them if they belong to XYZ corporation.
25 Did that mean we looked at the files in 200

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2 question is, do I recognize it?
3 Q. Correct.
4 A. I honestly don't recall seeing it. I
5 may have, but I don't.
6 Q. Did you participate, to the best of your
7 recollection, in drafting the document?
8 A. Don't recall doing that.
9 Q. You don't recall doing that?
10 A. No.
11 Q. Okay.
12 Let me ask you this. Do you know
13 independent of the document, what's referred to
14 within the document as MCI documents?
15 A. Paragraph A1?
16 Q. That's where it's referred to, but I'm
17 just -- if that helps in refreshing your
18 recollection as to what the documents are as
19 defined or called MCI documents, but if you have an
20 independent knowledge or recollection of what MCI
21 documents means, that's what I'm asking really.
22 A. I think I do. I believe I do. I
23 believe I know what's referred to.
24 Q. Okay what is that?
25 A. I believe that's a reference to

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2 documents that have been identified through contact
3 with Mr. Steve Hooper.
4 Q. What is the basis for that belief?
5 A. I think I have a memory that Mr. Hooper
6 referred to them in correspondence in that way.
7 I'm not sure when, but that is my current memory.
8 Q. Do you know what correspondence that is
9 that you're referring to?
10 A. I have a memory that I believe he sent a
11 letter, in what's the date of this, that referred
12 to MCI documents and from discussions with him, my
13 memory is that he was talking about what I call the
14 documents from Steve Hooper.
15 Q. Your conversations you mean, with
16 Mr. Bigus?
17 A. Yes.
18 Q. Aside from that recollection, do you
19 have any other basis for believing that the MCI
20 documents refer to the documents that Mr. Hooper
21 had indicated he had, concerning the Webley
22 materials?
23 A. Well the general time frame of this
24 suggests to me that - that was what might be
25 referred to, as I recall, it being a set of

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2 on the second page, under paragraph two under
3 status of additional documents. Do you see where
4 I'm referring?
5 A. I do.
6 Q. Do you have any understanding of what
7 stored boxes refer to?
8 A. I believe it's those boxes on indexes
9 that we provided.
10 Q. Are these the same stored boxes that
11 we've referred to before as stored documents?
12 A. Yes.
13 Q. On the first page of the document, it's
14 the second paragraph, that I'm going to refer to
15 starting with since debtor's responses, do you see
16 where I'm referring?
17 A. I do.
18 Q. Since debtors responses to the request
19 were filed, debtors have located one additional
20 hard documents, (stored documents), which are in
21 storage. Do you know why these are referred to as
22 additional hard documents?
23 A. Here's my memory of it. The best I can
24 sitting here today, my memory of it is, at the time
25 of our initial response we had some of the indexes

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2 documents that we had discovered around this time
3 frame, or not too long before.
4 Q. Do you know how many documents were
5 included within the set that Mr. Hooper identified
6 for you?
7 A. I don't recall.
8 Q. I believe you had testified earlier the
9 documents that, or the response of non-privileged
10 documents that Mr. Hooper provided to you had been
11 produced?
12 A. They have been, yes.
13 Q. Do you know if the MCI documents as
14 they're referred to here, have been produced?
15 MR. DRISCOLL: Object to the form of the
16 question. He has already answered that by
17 saying he believes the documents referred to
18 the ones identified to by Mr. Hooper.
19 Q. Do you know if the responsive
20 non-privileged documents referred to as MCI
21 documents, have been produced?
22 A. Based on my understanding that they are
23 from Mr. Hooper, I believe they have.
24 Q. There's also a reference to stored boxes
25 both on the first page of the document, as well as

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2 of stored boxes of documents, but maybe not all,
3 and then we got a more complete index after that,
4 so this would be a reference to those additional
5 documents on those indexes.
6 Q. So the definition of stored boxes in the
7 supplemental response in Ramsay Exhibit 3, and then
8 stored documents that's referred to in Ramsay
9 Exhibit 2, make up the total of the documents that
10 were located that are contained in the indices that
11 are produced in this case; is that accurate?
12 MR. DRISCOLL: Excuse me. Where on
13 Exhibit 2 is the terminology you're referring
14 to?
15 MR. SMITH: Stored documents.
16 MR. DRISCOLL: Yes.
17 MR. SMITH: Go to page seven. I believe
18 under the section, dealing with continuing
19 effort to locate documents.
20 A. Could you repeat the question?
21 (Record read.)
22 A. I believe that's an accurate statement
23 as I understand it, yes.
24 Q. I believe earlier you had mentioned that
25 your communications with the individuals at the

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2 Records Management Group included Mr. Hasselvander,
3 Miss Taylor, Miss Tate, Mr. Beckman, and I guess
4 Mr. Stevens as well?
5 A. Right.
6 Q. As well as Mr. Mancini, but I'm not
7 including it only because he dealt with electronic
8 discovery documents which we're not going into
9 today -- after those communications in January,
10 February of 2005?
11 A. Okay.
12 Q. Approximately --
13 A. Early communications. There were later
14 ones.
15 Q. That was my question, what other
16 communications, and when did you have them
17 concerning the documents in this case?
18 A. Let me -- I had communications with them
19 over a period of months, and I had numerous
20 communications. I don't think I could sit here and
21 pretend to describe them all.
22 Q. When was the last time you communicated
23 with them regarding documents?
24 A. Probably about a month ago.
25 Q. Who was it that you communicated with?

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2 that was sent to them, sent to Phil Hasselvander,
3 Joe Stevens and others.
4 Q. What did the legal assistant create a
5 list from?
6 A. Information that I provided her.
7 Q. What was the information you provided to
8 her?
9 A. A list of the boxes that I thought we
10 should bring from Orlando or Virginia, Colorado, to
11 look at.
12 Q. Where did you collect that list of boxes
13 you thought should come from wherever, the
14 different locations?
15 A. We generated it.
16 Q. Generated the list from what?
17 A. From the indexes that our client had
18 provided.
19 Q. How did you go about determining from
20 the indices, what boxes should be reviewed?
21 A. Well, it was a sort of a multi-step
22 process. I went through the indexes to see, at
23 this point, whether it precluded or triggers
24 communication from the description that could,
25 might have something to do with the issues in this

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2 A. Phil Hasselvander.
3 Q. What did you discuss with him at that
4 time?
5 A. I had, as part of sort of a cleanup
6 process, wanted to verify that we had actually
7 received all the boxes we requested, and it
8 appeared to be that perhaps we had not, and I
9 communicated with him about that.
10 Q. How many boxes -- strike that.
11 How many boxes did it appear that you
12 did not receive from him?
13 A. I'm not absolutely certain, but I think
14 it was 11.
15 Q. And since speaking with him about a
16 month ago, have you received those 11 boxes?
17 A. We received -- he identified four of
18 them as boxes of office supplies instead of
19 documents, and the others, yes, we received.
20 Q. After you started communicating with
21 folks at Records Management Group, what was the
22 process by which you informed them of documents or
23 boxes as you wanted, and ones that you did not
24 want, or if you could describe for me that process?
25 A. Our legal assistant created a list, and

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2 case. Actually, what I did is highlight them on an
3 index. I identified as the second step some that
4 just didn't seem to be that likely, but it might be
5 a large volume of them, but I wasn't sure, so we
6 elected to bring a few of them back to see what's
7 referred to by them in the description. That was
8 stage two. And then as a third stage, in that we
9 provided a list to Parus Holdings and asked them to
10 identify anything they thought should be brought
11 back. This list was given to the legal assistant
12 who generated from what we had marked list, another
13 list that was sent to the client.
14 Q. What was the name of the legal
15 assistant?
16 A. Chery Diaz.
17 Q. Can you spell the name for me?
18 A. D I A Z, C H E R Y.
19 Q. Did you have any else assist you in
20 reviewing the indices, to either highlight or
21 select which one, which boxes should be included on
22 the list that Chery Diaz put together?
23 A. I made a marked set, and then I provided
24 what I had marked to Jeff Befort and asked him to
25 review it as well, to see if he thought there was

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2 anything else that should be added, or if I put in
3 too much for that matter.
4 Q. Do you know if he added anything in
5 addition to yours, or took any out?
6 A. I believe he added some. I don't think
7 he took anything out.
8 Q. Approximately when was this that you did
9 this?
10 A. This is approximate June, July, June
11 probably.
12 Q. Of 2005?
13 A. Yes. Could have been later, could have
14 been July, I'm not certain.
15 Q. Somewhere in the range of June or July
16 of this year?
17 A. Yes.
18 Q. When you went through the indices that
19 you had received from Records Management Group, did
20 you have anyone from WorldCom or Intermedia go
21 through them with you?
22 A. Not at the time I was doing it, no.
23 Q. Did you have them go through it any
24 other time?
25 A. I had discussed that process with

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2 MR. DRISCOLL: You're talking about
3 something that happened in June or July of
4 '05, according to this witness's testimony.
5 MR. SMITH: Okay.
6 MR. DRISCOLL: Intermedia didn't
7 function.
8 Q. At any of the debtor's-- I'll rephrase
9 my question to say that -- do you understand my
10 question?
11 A. You probably have to rephrase it.
12 Q. Sure. Did you have any discussions with
13 anyone at the debtors, aside from what you
14 mentioned at Records Management, regarding the
15 process you undertook to identify boxes on the
16 indices?
17 A. Don't recall that I did. You can go
18 ahead and ask questions if you want. I'm just sort
19 of --
20 Q. Let me know if you want to take a break.
21 I don't mind continuing if you're standing.
22 A. Go ahead.
23 MR. DRISCOLL: Kevin, why don't we take
24 a break.
25 (Time noted: 2:51 p.m.)

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2 Records Management people earlier, yes. Losing my
3 voice.
4 Q. What did you discuss with Records
5 Management, in terms of that process that you
6 described right now?
7 A. I asked them if there was anyone who
8 could read the index and know what was going to be
9 contained in the boxes from the index, to help us
10 select or help anybody, Parus, anybody select boxes
11 to be reviewed.
12 Q. Did they have a response to you?
13 A. They indicated there was none, didn't
14 have anybody that can do that.
15 Q. When you say they didn't have anybody
16 that can do that, meaning no one that could
17 interpret, so to speak, the terms of the index and
18 tell you based on that, what was in the actual
19 boxes?
20 A. Yes.
21 Q. Aside from that conversation with
22 Records Management, did you have any other
23 discussions with anyone at WorldCom Intermedia
24 about the process you undertook to identify certain
25 boxes on the indices?

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2 (Recess taken.)
3 MR. SMITH: Can you mark this as Ramsay
4 4.
5 (Ramsay Exhibit 4, search report from
6 Iron Mountain Records, received March 25,
7 2005, marked for identification, as of this
8 date.)
9 Q. Mr. Ramsay, I'm going to put in front of
10 you a multi-page document that we've marked for
11 identification as Ramsay Exhibit No. 4, and on the
12 first page it has at the top, Records center, Iron
13 Mountain Records Center, and it looks like you
14 stamped "received of March 25, 2005" what appears
15 to be search result. It's a fairly lengthy
16 document, and I don't have the page number in
17 total, but do you recognize this set of documents?
18 A. Generally, yes.
19 Q. What you recognize it as?
20 A. One of the indexes that was provided by
21 our clients.
22 Q. That you received?
23 A. That we received, yes.
24 Q. Do you know what the index purports to
25 contain, in terms of types of documents -- strike

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2 that.
3 Let me try and rephrase the question,
4 I'm sorry.
5 Do you have an understanding as to how
6 this index that we've marked as Ramsay Exhibit No.
7 4 was created?
8 A. I can't tell you about this specific.
9 It's one of a number that came as they did
10 searches. Obviously they have highlighted the term
11 Intermedia on this, but I'm not sure what searches,
12 terms were used for this one.
13 Q. So this index Ramsay Exhibit No. 4 is an
14 index, as I understand it, and correct me if I'm
15 wrong, I'm trying to understand all of this. This
16 index that was marked as Ramsay Exhibit No. 4 is an
17 index created from computer data base, based on a
18 search of the term Intermedia?
19 A. I really can't say- well if you read it
20 at the top, all I can say it's records containing
21 Intermedia. One of 10 of 338 records searched,
22 records containing Intermedia, but I don't
23 otherwise know what terms were used.
24 Q. Did you have any conversations with
25 anyone at Records Management Group to determine how

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2 term is highlighted in the descriptions of each of
3 these boxes, but I don't have a present
4 recollection of a conversation about that.
5 Q. I see. Okay.
6 On the first page of Ramsay Exhibit No.
7 4 towards the middle of the page, there's an entry
8 that says one of 10 of 338 records searched.
9 A. I see that, yes.
10 Q. Do you know what this refers to, what
11 that means?
12 A. I'm not certain.
13 Q. And the next line says "with customer
14 equals M" as in Mary "WLDK."
15 A. I see that, yes.
16 Q. Do you have an understanding as to what
17 that line is referring to, and then what the
18 customer is referring to?
19 A. No.
20 Q. Do you have an understanding as to what
21 the next line refers to as "records containing
22 Intermedia"?
23 A. Only what appears on its face, that it
24 is a search to identify records containing the term
25 Intermedia. The term Intermedia is highlighted in

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2 they came up with, or where this resulted from,
3 this index, meaning Ramsay Exhibit No. 4?
4 A. Probably with, generally, I did, but I
5 don't know that I can -- I probably --
6 Q. Do you have a recollection of doing
7 that?
8 A. I don't have a current recollection.
9 MR. DRISCOLL: I got lost.
10 Could you read it back?
11 (Record read.)
12 Q. Do you have an understanding as to
13 whether or not the documents -- strike that.
14 Do you have an understanding as to
15 whether or not the index that we marked as Ramsay
16 Exhibit No. 4 is an index of all the documents
17 maintained by Iron Mountain of debtor's documents?
18 A. I have an understanding that it's not.
19 Q. That it's not?
20 A. Correct.
21 Q. So this index is an index of documents
22 that resulted from a search of the word, or records
23 containing Intermedia; is that correct?
24 A. Well, again, as I said before, the face
25 of it says records containing Intermedia and that

1
2 major, and all descriptions.
3 Q. Still, on the first page of Ramsay
4 Exhibit No. 4, there's an entry that says 290 and
5 then there's a space or something, 48. Do you know
6 what that refers to?
7 A. I don't.
8 Q. And then moving across on the same line,
9 it says status; do you know what this is referring
10 to.
11 A. I don't.
12 Q. And then dropping down, there's an entry
13 of a long number, it's 273788675; do you know what
14 that refers to?
15 A. That's the box number. That's a number
16 they put on the boxes.
17 Q. And then across from there to the right,
18 there's an entry that says at Iron Mountain?
19 A. Yes.
20 Q. Do you have an understanding of what
21 that means?
22 A. My understanding is that they're stored
23 at Iron Mountain.
24 Q. And then below the lengthy number that
25 we read a second ago, there's an entry that says

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2 customer MWLDK. I think you indicated, you didn't
3 have an understanding?
4 A. I don't.
5 Q. And then the next line is box department
6 59823. Do you have an understanding of what that
7 means?
8 A. I don't.
9 Q. There's an entry for box record code
10 with the entry of RS45. Do you have an
11 understanding of what that means?
12 A. I don't currently. No, I should say
13 that I discussed some of those things, and I don't
14 remember which, with Phil Hasselvander and others,
15 Joe Stevens, but they did not appear to provide
16 anything significant to me in finding documents,
17 and I don't remember which one it is, but I did go
18 through some of those. I just don't remember now
19 what they were.
20 Q. And then there's another entry major
21 description next to it, it says WorldCom A slash P,
22 storage forms for.
23 Do you have an understanding as to what
24 the major description refers to?
25 A. It's a description they had of contents

1
2 of the entries in Ramsay Exhibit 4, did you contact
3 anyone at Records Management to determine what
4 different entries meant?
5 A. Well, I talked to them to some extent,
6 as I mentioned, and tried to find somebody who
7 maybe could interpret the descriptions, and was
8 told there really wasn't anybody who could
9 interpret those description any better than we
10 could, from looking at them. They didn't know
11 about what was in these boxes.
12 Q. Did they indicate how Records Management
13 arrived at the descriptions that are contained in
14 the major, minor, and long description categories?
15 A. Only it was my understanding that at
16 least in part, the information came from what was
17 left by employees as they were leaving the company.
18 Other than that, I'm not- I don't.
19 Q. So is it your understanding, that the
20 documents that are referenced in Ramsay Exhibit No.
21 4, are documents from Intermedia?
22 A. Not necessarily, because, I mean, there
23 are documents that relate to Intermedia, some of
24 them may be from Intermedia, some of them may not
25 be.

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2 of the box.
3 Q. Okay.
4 When you say "they had", meaning?
5 A. Records Management at MCI, part of their
6 computer system.
7 Q. And then there's an entry for minor
8 description, with next to it, it says Jackson /
9 Clinton MS office.
10 A. Right. Sometimes it's additional
11 information about the contents, sometimes it's a
12 location, sometimes it's a topic.
13 Q. And then below that, there's an entry
14 for long description?
15 A. Same thing.
16 Q. I'm not going to read that, but do you
17 have an understanding as to what long description
18 is referred to there?
19 A. It's my understanding, it's information
20 that he had about what's in the box.
21 Q. Okay.
22 With respect to any of the major
23 description, minor descriptions, or long
24 descriptions that are contained, not just in this
25 particular entry in Ramsay Exhibit No. 4, but all

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2 Q. Do you know where else the documents
3 that are contained in Ramsay Exhibit No. 4 came
4 from, if not Intermedia?
5 A. Well, they could have come from MCI
6 entity of some kind, and relate to Intermedia in
7 some way.
8 Q. Are all of the boxes that are contained
9 in Ramsay Exhibit No. 4, boxes that were reviewed
10 by Stinson to determine whether they contain
11 responsive documents?
12 A. No.
13 Q. Does Ramsay Exhibit No. 4 contain
14 reference to any documents that were reviewed by
15 Stinson for possible production in this proceeding?
16 A. Yes.
17 Q. Can you tell me which ones those are?
18 A. I believe we provided to you the list
19 that was highlighted.
20 Q. I'm sorry, say that again?
21 A. I believe on the list we provided you, I
22 believe they're highlighted.
23 Q. They're highlighted on this Ramsay
24 Exhibit No. 4?
25 A. Correct.

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2 Q. So if you turn to page, for example,
3 page five of the Exhibit, it's not a numbered five,
4 but just turn to the fifth page of the Exhibit.
5 A. Correct.
6 Q. In the middle of the page there's an
7 entry with the number, it looks like 307327251.
8 A. Correct.
9 Q. On the copy it looks as though it's a
10 grayed line, shaded so to speak. Is that the
11 highlighting you're referring to as to those
12 documents that were identified to be reviewed for
13 possible production?
14 A. Yes.
15 Q. With respect to that particular entry,
16 how did you determine to review that entry for
17 possible production in this proceeding?
18 MR. DRISCOLL: Maybe it's clear on the
19 record, but I'm not clear. Which one are you
20 referring to?
21 MR. SMITH: It's on page five of the
22 Exhibit not numbered five, but the fifth page
23 of the Exhibit with the number 307327251.
24 MR. DRISCOLL: Got it, thank you.
25 A. You know, I believe, and I'm not hundred

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2 Exhibit 4.
3 A. Okay.
4 Q. It's going to be the third full entry
5 down, with number 191496627.
6 A. I see that, yes.
7 Q. The major description is Paul
8 Eskildsen's files.
9 A. I see it.
10 Q. And then the minor description is
11 Intermedia, general. The long description is
12 correspondence.
13 A. Yes.
14 Q. Based on what you described before as to
15 what would indicate selection for review, this does
16 not look as though it was selected for review;
17 correct?
18 A. Correct.
19 Q. Do you have an understanding as why it
20 was not selected for review?
21 A. As I sit here today, I recognize that
22 name but I don't think I would have. I don't have
23 any reason to believe, Jeff would have at the time
24 we went through this. That being the case, that
25 name became familiar to me to some degree after

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2 person certain of this, but I believe these are
3 among those added by Mr. Befort.
4 Q. The ones that are within Ramsay Exhibit
5 No. 4, you believe, are ones that were added by
6 Mr. Befort?
7 A. I believe so.
8 Q. Do you have any understanding as to why
9 he selected the ones in Ramsay Exhibit No. 4 to be
10 selected for possible production?
11 A. In general, I discussed with him, and it
12 was our intention to bring back documents that by
13 some indication might have responsive documents.
14 Q. Within the boxes that are contained in
15 Ramsay Exhibit No. 4, are there any dates
16 referenced for documents that are contained in
17 those boxes?
18 A. I don't recall if there are on this
19 particular --
20 Q. That's what I'm referring to as this
21 particular one.
22 A. Some of them, but I don't see any as I
23 go through this document. I haven't been through
24 every page, but I don't.
25 Q. If you go to the 16 page of Ramsay

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2 reviewing the documents, not before.
3 Q. From reviewing the documents when? You
4 mean in this case?
5 A. Yes, this in this case. The documents
6 from the boxes we brought from Orlando and other
7 places, as a result of reviewing this, I think at
8 the time at least, I wouldn't have been familiar
9 with this name, I don't think. I do recognize it
10 now.
11 MR. DRISCOLL: For the record, the name
12 to which reference is being made is Paul E S K
13 I L D S E N.
14 Q. Do you have an understanding as to, I'm
15 sorry were you going to finish an answer?
16 A. No.
17 Q. Do you have an understanding as to what
18 the distinctions are between major descriptions,
19 minor descriptions, and long description?
20 A. Not entirely, no I don't.
21 Q. Do you know if within this box of
22 documents, and I'm still referring to the same one
23 identified before, contained not only
24 Mr. Eskildsen's files, but also Intermedia
25 documents generally, or correspondence concerning

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2 Intermedia?
3 A. From the description, Eskildsen's files
4 minor description, long description correspondence,
5 I don't know more than that.
6 Q. So there was no communication with the
7 Records Management folks as to determine what
8 specifically was contained within this box of
9 documents, other than what's described in the
10 descriptions here on this index?
11 A. I don't believe so.
12 Q. If you go to page, the 20th page of
13 Ramsay Exhibit 4. It should have as the first full
14 description of a box with the number 133133.
15 A. I've got it- I'm on the wrong page then.
16 How many pages?
17 Q. The 20th page.
18 A. The previous page was 16, 17, 18, 19,
19 20.
20 Q. Then go to 19, I'm sorry, my apologies.
21 First full description of a box is 1333133?
22 A. Yeah, I see that, yes.
23 Q. As I understand your testimony earlier,
24 to indicate what would have been selected to
25 review, this box would not have been selected to

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2 Q. After having received index that we
3 marked for identification as Ramsay Exhibit No. 4,
4 did you contact anyone to determine what any of the
5 descriptions meant within the index?
6 MR. DRISCOLL: Object to the question.
7 Asked and answered. He already said he spoke
8 to Mr. Hasselvander and others.
9 A. I talked to Joe Stevens and/or
10 Hasselvander about descriptions and what they might
11 mean. I was told they didn't know either.
12 Q. My apologies. If you go to the 33 page
13 of the Exhibit.
14 MR. DRISCOLL: What's the caption? 204
15 is on top and.
16 MR. SMITH: The number would be a
17 highlighted number, 273701050.
18 MR. DRISCOLL: All right. 270.
19 MR. SMITH: It may be Page 32.
20 A. What's the number?
21 Q. 273701050. And it also has a check mark
22 next to it?
23 A. I found it, yes.
24 MR. DRISCOLL: Good. I'm going to look
25 over your shoulder.

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2 review?
3 A. That's correct.
4 Q. Do you have an understanding as to what
5 is mentioned in the major, minor, and long
6 descriptions here?
7 A. "TCOMS Exemption, clean up reports a
8 location, Intermedia, source reports for initial
9 cleanup: Mega standalone response file."
10 Q. Other than what's described there, you
11 don't have any understanding of what you believe
12 that means?
13 A. I believe source is a reference to one
14 of their billing systems, at some point in time.
15 Q. One of their billing systems, is that
16 what you said?
17 A. Correct, Intermedia's.
18 Q. Do you know what is referred to as
19 cleanup reports?
20 A. I do not.
21 Q. Did you contact anyone at either Records
22 Management, or anyone else at WorldCom to determine
23 what any of the terms within that description
24 meant?
25 A. Not this specific description.

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2 Q. That indicates from the highlight, based
3 on my understanding of your testimony earlier, that
4 - that box that's referenced here was requested and
5 reviewed by Stinson; is that correct?
6 A. That's correct.
7 Q. There appears to be a check mark to the
8 right-hand side of the descriptions there, do you
9 see where I'm referring?
10 A. I do.
11 Q. Do you have an understanding of what the
12 check mark refers to?
13 A. No.
14 Q. Do you know who placed the check mark
15 there?
16 A. No.
17 Q. Do you know if it was anyone from
18 Stinson that may have placed the check mark there?
19 A. I don't know.
20 Q. Aside from just that entry there, are
21 other check marks on the page that we were looking
22 at, as well as other pages, do you have an
23 understanding of the check marks otherwise within
24 the document?
25 A. No.

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2 Q. Do you know who else reviewed the index
3 that we marked as Ramsay Exhibit No. 4 at Stinson?
4 A. As I testified, Jeff Befort.
5 Q. Aside from him, did anyone else that
6 you're aware of?
7 A. I'm sure Diaz, the legal assistant would
8 have. Not reviewed to select boxes, but probably
9 looked through the index.
10 MR. DRISCOLL: Clarification counsel.
11 Does anyone else include Mr. Ramsay or not?
12 MR. SMITH: I don't understand what you
13 mean.
14 MR. DRISCOLL: Well --
15 MR. SMITH: My question was, did anyone
16 else other than Mr. Ramsay review the Exhibit
17 that we marked as Exhibit No. 4?
18 MR. DRISCOLL: And he said Befort.
19 MR. SMITH: I'm sorry, I thought it was
20 clear that Mr. Ramsay had reviewed.
21 A. I'm not certain that I, on this
22 particular index -- I reviewed this index --
23 whether I selected the boxes. Maybe all Befort
24 did. I just don't recall. There's over ten
25 thousand of them.

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2 Q. Mr. Ramsay, I put in front of you what
3 we marked for identification as Ramsay Exhibit No.
4 5. It's again, it's a multi page document, 11
5 pages and it has on the top left corner what
6 appears to be a heading of some sort, Intermedia
7 accounts payable records Mississippi filings
8 system. Do you recognize this document?
9 A. I do.
10 Q. What do you recognize it as?
11 A. An index provided to us of boxes stored
12 at Mississippi filings.
13 Q. That was one of the Records Management
14 Companies that was utilized by WorldCom to store
15 documents?
16 A. Correct.
17 Q. Do you know who created the index that
18 we marked as Ramsay Exhibit No. 5?
19 A. The Records Management people, Joe
20 Stevens, Phil Hasselvander and Brenda Tate, one of
21 those, one of them.
22 Q. So one of the individuals at WorldCom
23 Records Management Group created the index that we
24 marked as Ramsay Exhibit No. 5?
25 A. Correct.

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2 Q. I understood that you had reviewed it.
3 A. I have looked at this index, yes.
4 Q. If you go to the last page of the
5 Exhibit, the last page of Ramsay Exhibit No. 4,
6 there's an entry at top of the page, for example
7 the number 224400777.
8 A. Yes.
9 Q. And there's in the descriptions
10 Intermedia PO's POB, looks like II, the numbers
11 483-5130 in both the major and long descriptions.
12 Do you have an understanding as to what that refers
13 to?
14 A. I don't. PO often refers to purchase
15 order, but I don't know the specifics.
16 Q. Do you know if Jeff Befort contacted
17 anyone at WorldCom to make any inquiries as to
18 descriptions?
19 A. I don't know.
20 Q. Put this to the side for now.
21 MR. SMITH: Can you mark this as Ramsay
22 Exhibit 5, please.
23 (Ramsay Exhibit 5, Intermedia accounts
24 payable records Mississippi filings system,
25 marked for identification, as of this date.)

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2 Q. Do you know what they used to create
3 this index?
4 A. The same search information that had
5 been used otherwise, I believe.
6 Q. I don't understand what you mean.
7 A. Well, they were given a description of
8 the claims and asked to find documents relating to
9 EffectNet, Intermedia, any of the claims in this
10 litigation.
11 Q. Just so I understand, the folks, the
12 individuals that worked at Records Management Group
13 of WorldCom, did a search of something at
14 Mississippi Filings System. That search then
15 resulted in this index?
16 A. Yes.
17 Q. So then this index refers to Ramsay
18 Exhibit No. 5, correct?
19 A. Correct.
20 Q. So the index that we marked as Ramsay
21 Exhibit No. 5, is not an index of all documents at
22 Mississippi Filings Systems?
23 A. That's correct.
24 Q. Did you select any documents from index,
25 from the index that we marked as Ramsay Exhibit No.

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2 5, for review?
3 A. No.
4 Q. Why is that?
5 A. It did not appear any of them were
6 responsive, or relevant relating to the issues in
7 this case.
8 Q. And that was based on your review of the
9 descriptions that they contained in, and the index
10 that was marked as Ramsay Exhibit No. 5?
11 A. Correct.
12 Q. After having received this index, did
13 you speak with anyone about their descriptions that
14 they provided in this index?
15 A. Don't recall that I did. This one has
16 accounts payable records description on it. That
17 appears to consist of what's in the document.
18 Actually, I did discuss that generally, the fact
19 that it was accounts payable, but I don't
20 specifically recall sitting here.
21 Q. On the first page of Ramsay Exhibit No.
22 5, the very first entry under description of
23 records column, you see where I'm referring?
24 A. I'm not sure. Description- okay.
25 Q. It says --

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2 A. Yes.
3 Q. And dropping down six lines where it
4 says --
5 A. Left or right?
6 Q. What?
7 A. Go ahead.
8 Q. Where it says A, and there's a large
9 space and then Alltel.
10 A. Yes.
11 Q. Do you have an understanding as to why
12 there's a space between A and Alltel in that --
13 within that column under box contents?
14 A. I'm not sure I understand your question.
15 Space between A and Alltel? I don't know what you
16 mean. Okay, you mean the space from left to right
17 as you're reading?
18 Q. Correct.
19 A. There's two columns listed of entities,
20 there's a space between the two columns it appears.
21 Q. Do you have an understanding as to
22 whether that could indicate there's a range of
23 entities, starting with A through an entity
24 entitled Alltel, and there could be entities in
25 between there in the alphabetical order?

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2 A. Description of records.
3 Q. There's an entry that says APP, looks
4 like two I's and then PD. Do you have an
5 understanding as to what that means?
6 A. Not currently, no.
7 Q. Did you ask anyone at Records Management
8 Office or Group what that meant?
9 A. I don't recall doing so.
10 Q. Three entries down from that one, the
11 same page under the same column of description of
12 records, it says APINT, month end reports.
13 A. Correct.
14 Q. Did you inquire of the Records
15 Management Group what that entry meant?
16 A. Don't recall that I did.
17 Q. Below that in the same column it says A
18 P I N T P D, do you see where I'm referring?
19 A. I do.
20 Q. Did you inquire of anyone at Records
21 Management what that meant?
22 A. No. These are identified by entity, and
23 I looked for entities of all.
24 Q. In looking at the column under "box
25 contents", do you see where I'm referring?

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2 A. No, I don't have an understanding of
3 that.
4 Q. Did you inquire whether that could be
5 the case?
6 A. It looked to me like a list of entities,
7 and I didn't ask that question, or I don't recall
8 asking that question.
9 Q. Did you inquire of the folks at Records
10 Management, whether or not any of the accounts
11 payable records that are listed here included any
12 records for accounts payable to EffectNet?
13 A. I believe I looked through the list for
14 that, but I don't recall asking anybody at Records
15 Management that question.
16 MR. SMITH: Can you mark this as Ramsay
17 No. 6?
18 (Ramsay Exhibit 6, files in corporate
19 library D1-1-400 ref DISS, is WorldCom/
20 Intermedia Acquisition 2001, marked for
21 identification, as of this date.)
22 Q. Mr. Ramsay, you should have in front of
23 you what we marked for identification as Ramsay
24 Exhibit No. 6, the top of the page, the first page
25 it says files in corporate library D1-1-400 ref

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2 DISS. Next line is WorldCom/ Intermedia
3 Acquisition 2001. It is a four-page document.
4 A. Yes.
5 Q. Do you recognize the document?
6 A. I do.
7 Q. What do you recognize it as?
8 A. A list of Webley's containing documents
9 that were stored, are stored at the -- rephrase
10 that -- they were, and some of them were stored,
11 and some of them are now in our office, were stored
12 at the corporate library in Ashburn, Virginia.
13 Q. Is that where the corporate headquarters
14 are for MCI?
15 A. I believe so.
16 Q. Had WorldCom's corporate headquarters
17 previously been in Mississippi?
18 A. My understanding is, they have.
19 Q. Were all the documents at the corporate
20 headquarters of WorldCom moved to MCI's
21 headquarters in Ashburn, Virginia?
22 A. I don't know the answer.
23 Q. Do you know if any documents of WorldCom
24 remain at the former corporate headquarters for
25 WorldCom in Mississippi?

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2 be rearranged, but I believe this is the way it
3 prints.
4 Q. I guess my point in asking this
5 question, I'm looking at the first two headings,
6 the first two categories or sections that have much
7 larger descriptions with comments, and they are
8 actually highlighted, and then on the same first
9 page of Ramsay Exhibit No. 6 sort of the third
10 entry, there's a much smaller box with just
11 Redwell-7HSR. Do you know if the comments within
12 that category are the only comments that are in
13 there, or do you have to sort of click on that link
14 and it opens up into the much larger comments that
15 are above that?
16 A. I don't believe that's the case, your
17 latter description. I believe those are the only
18 comments on what was sent to us electronically. I
19 don't remember seeing anything in back of that, or
20 otherwise accessible, not to my knowledge.
21 Q. You know what I'm talking about?
22 A. I believe I do.
23 Q. Do you know how the entries in Ramsay
24 Exhibit No. 6 were selected to be sent to you?
25 A. You mean the highlighted version?

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2 A. Not to my knowledge, but I don't know
3 for sure.
4 Q. You don't know for sure?
5 A. No.
6 Q. On the first page of Ramsay Exhibit No.
7 6, there's what appears to be the first entry so to
8 speak, which has heading of F subfile room
9 comments, and then there's Redwell dash -- it could
10 be either 2 or double I, with a highlight on it.
11 What does the highlight indicate?
12 A. It means it's a set of documents we
13 asked to be sent to our offices for review.
14 Q. When you say you asked, it was of the
15 Records Management folks again, that you described
16 previously?
17 A. Yes, yes.
18 Q. Do you know if Ramsay Exhibit No. 6 is a
19 print-out from a computer screen?
20 A. I know -- I'm not sure what you mean.
21 It was sent to me electronically.
22 Q. Was it sent to you electronically in the
23 form that it is in presently?
24 A. I believe that as it was sent to me, if
25 I hit print, it prints like this. It maybe could

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2 Q. Not the highlighted version but -- let
3 me back up.
4 From your testimony previously today, I
5 understand you received a document which we're
6 calling now for identification Ramsay No. 6,
7 without any highlights on it. You received it.
8 You then highlighted it and sent it back to the
9 Records Management folks for selection?
10 A. That's correct.
11 Q. Do you know how it was, that Records
12 Management actually selected Ramsay Exhibit No. 6,
13 without the highlights?
14 A. Well, among your request for production,
15 there were requests for documents relating to the
16 merger between MCI Intermedia that might relate to
17 Unified Messaging, or documents relating to the
18 merger of -- there was one other category relating
19 to the merger between MCI and Intermedia. We asked
20 them to produce for us all the documents they could
21 locate relating to the merger between MCI and
22 Intermedia, and this is among other materials they
23 sent to us in response to that.
24 I might clarify an answer to an earlier
25 question. This index suggests that some of these

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2 were located and came from Clinton.
3 Q. Why do you say that?
4 A. Well the last page, "Intermedia Docs in
5 Clinton".
6 Q. Where is that?
7 A. The second from the bottom group.
8 Q. Redwell-1, correspondence attorney's
9 notes filings Intermedia, Intermedia Docs in
10 Clinton, 1/02, okay. Can you tell me why certain
11 of the Redwells were selected for review, and
12 others were not?
13 A. Well, the general criteria was, if it
14 appears it might have something linked to the
15 issues in this case as best we could determine, to
16 bring it back, bring it back meaning, bring it to
17 our offices for review.
18 Q. If you look at second page of Ramsay
19 Exhibit No. 6, it's the very bottom, it seems as
20 though it carries over to the third page.
21 A. Okay.
22 Q. It's the Redwell Roman numeral 9.
23 A. Yes.
24 Q. Do you know why this particular Redwell,
25 or sub file, was not selected?

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2 Within the major description, it has WorldCom
3 Unified Messaging. Have you had a chance to take a
4 look at document?
5 A. I have.
6 Q. What do you recognize it to be?
7 A. One of the indexes provided to us by the
8 Records Management Group at MCI as a result of the
9 search that was done.
10 Q. Do you know what they were searching to
11 arrive at the index that we marked as Ramsay
12 Exhibit No. 7?
13 A. Well as you mentioned, and at the top
14 entry it's Unified Messaging project plans. I
15 don't really know what produced that, but I can
16 guess, I'd have to be guessing, a guess that it was
17 Unified Messaging who produced it, but the names
18 below that are names that I believe, they were
19 provided among the names that were provided to
20 search.
21 Q. I guess my question is, what was the
22 data base they were searching to come up with this
23 index?
24 A. Okay. Their stored documents data base
25 of all their stored documents.

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2 A. It didn't appear to have anything to be
3 linked to the issues in this case.
4 Q. If you look on the first line of that
5 entry, it says engagement letter for sale of
6 Intermedia, attorneys notes and correspondence. Is
7 there any way to tell from this file why, or is
8 there any way to tell from this entry as to what
9 attorneys notes and correspondence might contain?
10 A. I can't tell from that entry. This is
11 among the reasons we asked for -- Parus on
12 selection of boxes. Can I take a quick break.
13 (Recess taken.)
14 MR. SMITH: Can you mark this as Exhibit
15 Ramsay No. 7?
16 (Ramsay Exhibit 7, document stating DEPT
17 record CUST box, WorldCom Unified Messaging,
18 marked for identification, as of this date.)
19 Q. Mr. Ramsay, you should have in front of
20 you, what we marked as Ramsay Exhibit No. 7. It's
21 a legal sized paper, it appears to be a
22 spreadsheet, and it has at the top left corner of
23 it DEPT record CUST box and various different
24 columns for entries, and just for purposes of
25 identifying the document aside from the Exhibit No.

1
2 Q. Okay. The ten thousand boxes or so we
3 discussed earlier, or something else?
4 A. No -- I'm sure -- ten thousand is what
5 the results -- the data base would be much larger
6 than that.
7 Q. Maybe I'm misunderstanding something.
8 What is the universe of documents or boxes of
9 documents, that were searched within the data base
10 on the computerized data base at WorldCom?
11 A. I believe it to be all of MCI and their
12 related entities stored documents.
13 Q. How many boxes of documents?
14 A. I have no idea.
15 MR. DRISCOLL: In that data base?
16 MR. SMITH: Correct.
17 A. I don't know.
18 Q. So there's more than ten thousand boxes?
19 A. Oh, I'm- yes.
20 Q. The ten thousand boxes of documents that
21 have been referred to in responses and letters
22 regarding discovery in this case, are referring to
23 what?
24 A. They are the boxes of documents on the
25 indexes we provided, and they are the boxes

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2 produced or the results of the searches produced by
3 a list, or lists that included over ten thousand
4 boxes.
5 Q. Okay, thank you.
6 And the index that we've marked as
7 Ramsay Exhibit No. 7, is an index of some boxes
8 that include or encompass that ten thousand boxes,
9 or make up part of that ten thousand boxes correct?
10 A. The boxes identified on Exhibit 7 are
11 part of the boxes, part of the ten thousand boxes,
12 yes.
13 Q. Do you have an understanding as to what
14 each of the different, I guess, column codes stand
15 for at the top of the page?
16 A. As I sit here now, I don't. I do recall
17 going over some of this information with, if not
18 all, with people at Records Management, but it was
19 not helpful to me in the search.
20 Q. Was it your understanding that within
21 the first entry there, that next in the row that
22 starts with CP661 --
23 A. Yes.
24 Q. -- that the date of the documents that
25 were contained in that box, were from January 1,

1
2 Messaging services.
3 Q. And then under minor description, it
4 says project plans?
5 A. Yes.
6 Q. Do you have an understanding as to what
7 was meant by the entry project plans?
8 A. Plans for a Unified Messaging project it
9 appears.
10 Q. Did you speak with anyone at Records
11 Management about any of those two descriptions that
12 they placed on this index?
13 A. We brought that box back and reviewed
14 it, but I don't recall speaking to anybody.
15 Q. Did you speak with anyone at Records
16 Management about the index, or the contents of the
17 data base that they used to create this
18 description, WorldCom Unified Messaging?
19 A. Say that again, I'm sorry.
20 Q. I'll try to rephrase it.
21 I'll try it this way. Did you ever
22 review the entry in the Records Management data
23 base, from which they took the information to then
24 place into this index, being Ramsay Exhibit No. 7?
25 A. I believe what you see on this document,

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2 2000 through June 30, 2002?
3 A. Yes.
4 Q. What does RCPT date refer to, do you
5 know?
6 A. I'm not certain, but I would be
7 guessing, but I believe it may be the date they
8 received it in storage.
9 Q. They being, Records Management?
10 A. Right.
11 Q. And then the major, what appears to be
12 major, description column?
13 A. Yes.
14 Q. It refers to WorldCom Unified Messaging?
15 A. Correct.
16 Q. Do you have an understanding as to what
17 that refers to?
18 A. The contents of that box? I'm not sure
19 what you mean. What's your question?
20 Q. Okay.
21 A. I'm not --
22 Q. Did you have an understanding as to what
23 the entry WorldCom Unified Messaging means?
24 A. In general, yes. The contract
25 EffectNet/Intermedia contract related to Unified

1
2 is the entry of the data base, but beyond, that I
3 reviewed what's on the index that they provided us.
4 Q. It's your understanding, that they
5 identified only one box of documents with this
6 description of WorldCom Unified Messaging?
7 A. That is my understanding, yes.
8 Q. The entry below that, it's what appears
9 to be a much larger column HR personnel files
10 listed below for relevant Intermedia employees
11 period retrievable from HR file room in Denver, and
12 then there's several entries of different
13 individuals. The entry that I just read, starting
14 with HR personnel files, is that an entry that was
15 placed in this index by the people at Records
16 Management?
17 A. Yes.
18 Q. Do you know how they made the
19 determination of relevant Intermedia employees?
20 A. We provided them a list of individuals.
21 That's how they determined -- we searched for
22 documents relating to those individuals, Kathleen
23 Victory for example.
24 Q. As I understand your prior testimony
25 about highlighting on the indices, the highlighted

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2 entries are ones that you reviewed, correct?
3 A. Correct.
4 Q. Do you recall if any of the highlighted
5 entries on the index, the index that we marked as
6 Ramsay Exhibit No. 7 were produced?
7 A. I believe they were. Mr. Befort
8 reviewed these documents, and I believe we
9 produced, any of them would be responsive and maybe
10 more, and certainly these individuals relevant
11 individuals.
12 Q. There's an entry four lines up from the
13 bottom within that subsection that says James
14 Renfro, do you see where I'm referring to?
15 A. Yes.
16 Q. Do you have an understanding as to
17 whether that's a typo or something?
18 A. I believe that's a typo intended to be
19 James Renforth and we subsequently corrected them,
20 received his file and produced it.
21 Q. So there actually was a person by the
22 name of James Renfro?
23 A. It appears so. It's a big world.
24 Q. Do you know when Records Management did
25 their searches, if other typos may have occurred in

1
2 WorldCom whose name came up with the search of the
3 data base, and resulted with the entry on this
4 index?
5 A. Correct.
6 Q. How did you find out that - that was the
7 case?
8 A. I talked to, I believe, this -- the
9 conversation regarding this was with Phil
10 Hasselvander.
11 Q. So then your understanding is, that
12 there's no files or boxes of documents concerning
13 Robert McConnell from EffectNet?
14 A. That's my understanding, yes.
15 Q. At the bottom of the spreadsheet
16 left-hand side, it says employee personnel file?
17 A. Yes.
18 Q. It seems to be the end of the
19 spreadsheet?
20 A. Yes.
21 Q. Is there supposed to be anything after
22 that?
23 A. Not to my knowledge, no.
24 MR. SMITH: To the extent that we did
25 not request this earlier, and I think I may

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2 their searches?
3 A. I'm not aware of any.
4 Q. But it's possible?
5 A. Again, I'm not aware of any. Of course,
6 anything is possible out of ten thousand boxes.
7 Q. The next entry says EffectNet personnel.
8 You see where I'm referring to?
9 A. Yes.
10 Q. And there's different codes and then
11 major description, it says Robert McConnell?
12 A. I see that, yes.
13 Q. Did Stinson request that box?
14 A. No.
15 Q. Is there any particular reason?
16 A. Yes, and this kind of reminds me. We
17 asked for communication to and from individuals.
18 He was on the list. He was with EffectNet. I was
19 advised by someone with Records Management that -
20 that is one piece of paper and it relates to an
21 employee at MCI, and it has to do with his right to
22 work in the United States. He's from some other
23 country, was not the Robert McConnell we know to
24 have worked for EffectNet.
25 Q. So there's a Robert McConnell at

1
2 have, but we request a copy of the list of
3 names that were sent to Records Management for
4 searching of the data base, which I think you
5 had testified earlier and I had requested.
6 A. I'm not certain that was a written list
7 so, but may have been.
8 MR. SMITH: To the extent one exists
9 that was sent, and to the extent that I didn't
10 ask for one before, I'm asking for it now.
11 That also applies to the list of, to the
12 extent that it exists, of terms used for
13 searching.
14 MR. DRISCOLL: That I'm pretty sure you
15 have requested.
16 MR. SMITH: Can you mark this as Ramsay
17 No. 8.
18 (Ramsay Exhibit 8, large spreadsheet
19 with a list of boxes, marked for
20 identification, as of this date.)
21 Q. Mr. Ramsay, you should have in front of
22 you what we marked as Ramsay Exhibit No. 8. It
23 again, it's a multi-page document of irregular
24 sized, it appears to be a large spreadsheet,
25 different codes and dates, and information on it.

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2 Do you recognize the document.
3 A. I do.
4 Q. What do you recognize it as?
5 A. Another list of boxes of documents.
6 Q. And this would be considered one of the
7 indices that you referred to as one that was
8 produced to us?
9 A. It is.
10 Q. And the indices that we've gone through
11 thus far, starting with Ramsay Exhibit No. 4, and
12 No. 5, No. 6 and No. 7, which you should have right
13 here --
14 A. Yes.
15 Q. -- 4, 5, 6 and 7 and 8, are indices of
16 the documents that were, I guess, reviewed by
17 Stinson, and the indices were then given to us?
18 MR. DRISCOLL: Objection to the form of
19 the question. Misstates the witness's prior
20 testimony.
21 Q. Then correct me.
22 A. We did provide you with these indices, I
23 believe.
24 Q. These meaning...
25 A. These exhibits.

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2 some instance, I know the box numbers are what
3 shows up on the Iron Mountain box, and there's a
4 description, a major description, a minor
5 description, and each of those I know, and the
6 others I do recall asking some about those numbers,
7 but they were not helpful to my process, and I
8 don't recall the answers.
9 Q. Are the boxes of documents referred to
10 in Ramsay Exhibit No. 8, do they include boxes of
11 documents in the Iron Mountain list that we
12 reviewed earlier as Ramsay Exhibit No. 4?
13 A. I haven't done the comparison, but I
14 believe somebody told me that, at least somebody at
15 Records Management, that there may be some overlap.
16 Q. Okay.
17 Do you have any sense as to the extent
18 of the overlap?
19 A. I don't.
20 Q. Do you know how Ramsay Exhibit No. 8 was
21 created?
22 A. Through the same process we described
23 with the other indices, with one perhaps caveat. I
24 believe these are located at Orlando, which was the
25 headquarters of Intermedia, and that was part of

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2 Q. 4, 5, 6, 7 and 8?
3 A. I believe we provided you with other
4 indices as well, not marked, but other indices.
5 Q. Okay.
6 So this is not the complete set?
7 A. That I sent to Mr. Wood?
8 Q. Right.
9 A. I don't believe it is.
10 Q. I'm not talking about listing of boxes
11 selected for review. I'm strictly talking about
12 the indices.
13 A. I understand. I don't believe this is
14 all of them.
15 Q. Okay. I'll follow up on that in a few
16 minutes. I just want to go through this one as
17 well. On the first page of Ramsay Exhibit No. 8,
18 there are different columns at the top that go
19 across the entire page?
20 A. Yes.
21 Q. Do you have an understanding as to what
22 those columns refer to?
23 A. Well, they're the same columns as you
24 will see on some of the other indices, and my
25 testimony is the same with regard to these. In

1
2 the reason they were all believed to be linked to
3 Intermedia in some way.
4 Q. Do you understand that the boxes of
5 documents referred to in Ramsay Exhibit 8 are those
6 that are from Orlando, Florida or Intermedia's
7 headquarters?
8 A. Yes.
9 Q. Based on your last answer, I understand
10 that Ramsay Exhibit No. 8 was created by someone at
11 Records Management within WorldCom, based on their
12 search of the larger computer data base that they
13 have of stored documents.
14 A. Correct.
15 Q. When the person at Records Management,
16 or people at Records Management created Ramsay
17 Exhibit 8, did they just cut and paste what was in
18 their data base into this index in terms of the
19 information that's here?
20 A. I don't have any reason to believe that
21 they did any cutting or pasting, no.
22 Q. Do you know what the mechanics were of
23 how they created this index from that data base?
24 A. I was advised it was an index of all the
25 boxes that were probably all related to Intermedia.

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2 I don't know the mechanics of it.
3 Q. Do you know what search terms were used
4 to create to come up with the terms that were in
5 this index?
6 A. Beyond what I said before?
7 Q. Meaning, you described to them what the
8 claims --
9 A. What the claims were about and they did
10 searches. In this particular instance, I believe -
11 let me back up. As I mentioned, there were some
12 other instances where they had done searches using
13 terms and produced some of these indexes, and
14 decided to simply produce an index which should
15 include everything that existed relating to
16 Intermedia. This together with the others you've
17 already mentioned, my understanding, does that.
18 Q. Your understanding does that?
19 A. Yes.
20 Q. Within this index that we've marked as
21 Ramsay Exhibit No. 8, there are again highlighted
22 entries.
23 A. Correct.
24 Q. What are the highlighted entries again?
25 A. Those are boxes that we reviewed that we

1
2 was a clue.
3 Q. Why did you think M B A referred to the
4 marketing?
5 A. The M.
6 Q. Dropping down below that, there are a
7 few other entries that are highlighted that have
8 the entry M B A, correct?
9 A. Correct. This is one of those
10 categories where I didn't think it probably did,
11 but I thought I'd bring some back to look at them.
12 As you see, I didn't bring them all back.
13 Q. That was going to be my next question.
14 How come you did not select the other entries that
15 are there for M B A? There's probably another 1 or
16 10 entries in addition to the ones you selected.
17 A. Well it is a description that I thought
18 conceivably could relate to the marketing or other
19 function, but didn't really think it probably did,
20 so I didn't think it was warranted to bring back,
21 however, many other boxes there were, but perhaps
22 warrant taking a look to see what types of
23 documents were in those boxes.
24 Q. When you reviewed the boxes with the
25 description M B A that are highlighted here, what

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2 brought to Kansas city to be reviewed by attorneys
3 at our firm.
4 Q. Before selecting any of the particular
5 boxes or entries that were here, did you contact or
6 speak with anyone at WorldCom about what the
7 entries meant, either in major or minor
8 descriptions?
9 A. We discussed to some degree, and again,
10 they told me they really couldn't say more than I
11 probably could tell from reading it.
12 Q. On the first page of Ramsay Exhibit 8,
13 there are highlighted a few of the entries.
14 There's the first highlighted entry is under the
15 major description, is described as MBA?
16 A. Yes.
17 Q. Do you have an understanding as to what
18 MBA refers to?
19 A. I believe, and as I sit here I'm
20 probably not going to give you an exact what was
21 going there through my mind when I marked this, but
22 I believe what was in my mind on these. We thought
23 that this might be a business of Intermedia related
24 in some way to the marketing function. I was
25 looking for letters that would give me clues. M

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2 were the documents contained in them?
3 A. They relate to a bank account,
4 Intermedia bank account. As I recall, most of them
5 were deposit slips.
6 Q. Is there any reason to believe that any
7 of the entries with M B A, may have contained
8 something else?
9 A. Not that I know of.
10 Q. Is it possible that the other boxes with
11 M B A entry contained something else?
12 A. Well, all the ones I looked at were the
13 same thing. Obviously, as you know anything is
14 possible, but it doesn't seem reasonably likely.
15 Q. On the same page just below the first
16 entry of M B A, there's another highlighted entry,
17 and the major description states file room?
18 A. Correct.
19 Q. Why did you select that entry?
20 A. That was a generic description that
21 could mean any number of things, and I didn't want
22 to rule out that box of documents that were
23 described as file room. I wanted to see what sort
24 of thing they may be.
25 Q. On the second page of the index we've

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2 marked for identification as Ramsay Exhibit No. 8,
3 there's a set of highlighted entries that within
4 the major description says Intermedia Tampa, FL. I
5 assume stands for Florida, and then under the minor
6 description has an entry S C ampersand SO stop bill
7 migration file. Do you have any understanding as
8 to what those entries refer to?

9 A. Do I know?

10 Q. Well, at the time you selected them?

11 A. At the time I selected, I really wasn't
12 sure. That was one of the reasons I didn't bring
13 them all back, but I knew the complaint by Parus
14 included a complaint that Intermedia had terminated
15 accounts, and this is a stop bill migration file.
16 I wasn't sure whether those terms might refer to
17 accounts that were being terminated or migration
18 brought over to MCI, or something like that.

19 Q. There are several others below that -
20 that have the same description. How come you
21 didn't select the other ones as well for review?

22 A. What I just described it seems unlikely
23 for those files, but probably I'm going to take a
24 look and see.

25 Q. Basically, you wanted to look at some

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MR. DRISCOLL: They were already given.

A. Myself, Jeff Befort, Allison Murdock,
Jodi Hoss, Angie Heppner, Shane Mecham, Nicole
Graham and Matt Koehler.

Q. There's also a few lines below what we
were just referring to, another highlighted
entries, with again, major description Intermedia
Tampa FL, and minor description of CS & SO
disconnect files A through Z, and then another
entry A through N; do you see where I'm referring?

A. I'm sorry. I lost you. On the second
page?

Q. Correct.

A. Okay A through Z, A through N.

Q. Do you know why those files were
selected for review?

A. Well it was a part of the process
looking for what might have been involved in
disconnect in service, because that was part of the
Parus complaint.

Q. There were other entries there that were
identified as CS & SO disconnect files, couple
below and a couple just above those entries.

A. Yes.

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2 but not all of them, to see whether they contained
3 something that had something to do with the case?

A. If the types of files in these files had
something to do with the case.

Q. Did you review the document with entries
CS and SO stop bill migration file?

A. Did I personally?

Q. Did anyone at Stinson?

A. Yes, yes.

Q. What was contained in those boxes?

A. As best I recall, sitting here CS is
customer service, and they were files relating to
that sort of thing. I don't recall specifically.

Q. Do you know who reviewed these
particular boxes?

A. It would be one of seven people.

Q. And those seven people, are those
Stinson?

A. Yes.

Q. Who would it have been?

A. Well, I don't know which one
specifically. There may be several people reviewed
them, in fact, probably. You want the names?

Q. Yes.

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Q. Can you tell me why those were not
selected for review?

A. As I said, it seemed to me unlikely
going to produce responsive documents, but I think
there was a sufficient possibility to take a look
at it.

Q. Same page, more entries that are to the
bottom that are highlighted again. Intermedia -
Tampa FL, CS & SO, L and P files dash E.

A. I see that.

Q. Can you tell me why those were selected
for review?

A. I think, again, I mentioned I was
looking for clues. I thought at the time E,
EffectNet, I'm not sure.

Q. And then on the third page of Ramsay
Exhibit 8.

A. Yes.

Q. There's a large block that carries over
to the fourth, and then onto the fifth page as
well, that don't have any major or minor
descriptions. I take it based on the highlighting
that those were reviewed?

A. Yes.

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2 Q. Did any of them contain documents that
3 were produced in the case?
4 A. I don't recall.
5 Q. You don't recall?
6 A. No.
7 Q. Do you know?
8 A. I don't recall -- I don't recall by box
9 number which ones did.
10 MR. DRISCOLL: They have a list and we
11 provided them.
12 Q. Do you know what the boxes contained?
13 A. I don't recall what those contained, or
14 whether they contained the same things.
15 Q. Going back to page two of Ramsay Exhibit
16 8, there's a highlighting of the CS & SO, L and P
17 files. Do you see where I'm referring to, the
18 bottom?
19 A. Yes.
20 Q. There's also a couple of other entries
21 with the CS & SO, L and P files, same entries.
22 A. Yes.
23 Q. I take it, based on the fact that they
24 were not highlighted, they were not selected for
25 review?

1
2 EffectNet.
3 Q. What was the reason for the non
4 selection of the other CS & SO, L and P files?
5 A. Well, I mean again, this is the category
6 of boxes that from the description seemed to me --
7 I couldn't look at those and say they would likely
8 contain anything responsive, but it seemed
9 possible, so I wanted to, A, find out what kind of
10 documents were in there, and then part of that
11 process if I'm going to do that, I ought to select
12 E or I, and see if that had anything relevant. I
13 indicated it didn't.
14 Q. Right. So that was your way of sort of
15 doing a sampling of those boxes?
16 A. Yes.
17 Q. Based on the review of the indices, was
18 there anything to indicate that the other CS & SO,
19 L and P files entries would not have contained
20 potentially responsive documents?
21 MR. DRISCOLL: We're talking about just
22 looking at the index itself as opposed to
23 having the benefit of looking in the boxes
24 now?
25 MR. SMITH: Right, nght.

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2 A. The ones that were not highlighted were
3 not selected the first time.
4 Q. Were they selected at all?
5 A. Some may have been the second time.
6 There were two groups brought back. I kind of
7 think maybe they were the second time, but I have
8 to look at the list to be sure.
9 Q. So you think the "I" ones were selected
10 for review the second time?
11 A. I think they may have been.
12 Q. Do you know if any of the other, I
13 guess, entries that -- what you're referring to,
14 there's an I at the end of the "files" entry?
15 A. Right. I think the thinking was that
16 was relating to Intermedia One, but I don't think
17 there were others. I think the I's....
18 Q. On the third page there's also a
19 continuation of CS & SO, L and P files. This is
20 all in the minor descriptions. Some with in, out,
21 and different letters of the alphabet, and the E
22 ones are selected again for review.
23 A. Correct.
24 Q. What was the thinking behind that?
25 A. It conceivably could relate to

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2 A. The description is what it is, and when
3 we looked at the boxes we made another call based
4 on what was in those boxes.
5 Q. What was in those boxes?
6 A. Again, I don't recall now. From the
7 documents we produced to you, we determined whether
8 they had documents that were responsive, but I
9 can't sitting here now.
10 (Recess taken.)
11 Q. If you turn to page 7 of Ramsay Exhibit
12 8.
13 A. Okay.
14 Q. There are towards the top third of the
15 page, there's BEV's file cabinet?
16 A. Yes.
17 Q. Some entries are highlighted, others are
18 not.
19 A. Correct.
20 Q. Can you tell me why the ones that are
21 highlighted were highlighted, and others were not?
22 A. As I told you at the beginning, I'm not
23 sure I can always remember what was going through
24 my mind, but I do note that the file cabinet might
25 include more than BEV. I wasn't aware of a BEV

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2 that involved in the matter, but I thought we ought
3 to take a look and see what's in there.
4 Q. Did you find out what Bev or BEV stood
5 for?
6 A. I don't know that we did. I don't
7 recall.
8 Q. Did you ever end up reviewing the boxes
9 that are -- that have the description BEV's file
10 cabinet, but that are not highlighted?
11 A. Yes.
12 Q. The ones that are not highlighted you
13 reviewed as well?
14 A. We did. We brought them back on the
15 second set we brought back.
16 Q. When was this second set of review?
17 A. I don't recall the dates. It's been
18 summer, late summer of '05. I believe you were
19 advised of it. I think this correspondence
20 attached to one of our pleadings mentions it.
21 Q. Is that the second review that included
22 the 70 additional boxes; is that what you're
23 referring to?
24 A. Yes, yes.
25 Q. You mentioned earlier, there was a

1
2 that - that was the only document type or person's
3 files, or whatever the entry was, that was the only
4 type of document or documents in that box?
5 A. What was the first part? Did I inquire?
6 Q. Or determine in some way.
7 A. Well, I think it depends on which type
8 of box you're talking about, but we can go back to
9 MBA. They were the banking boxes, the stop bill
10 migration boxes. They were the same types of
11 documents, I believe, so often that was the case.
12 It was not necessarily the case with BEV files, the
13 documents.
14 Q. So to make a determination whether or
15 not a box contained only the particular types of
16 documents that were described in the index, a
17 review of that box would have had to have occurred?
18 A. It did.
19 Q. Is that correct on those ones that you
20 described, for example, if there were other ones?
21 Look on page 7, for example.
22 A. Okay.
23 Q. Starting at the top of the page, just as
24 an example, it says STFI commissions. Was there a
25 determination made somehow that the box that says

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2 second review of CS & SO, L and P that was
3 encompassed within that 70 additional boxes?
4 A. That's correct.
5 Q. And then also the other BEV file
6 cabinets that were reviewed?
7 A. That's correct.
8 Q. Why were in the second round, the other
9 BEV file cabinet boxes reviewed?
10 A. I think there were two reasons. One I
11 believe, the initial review produced some
12 documents. When I say the review of the initial
13 set brought back produced some responsive
14 documents, I'm not positive about that, but what I
15 do recall, is that the files were of multiple
16 topics, including some that were getting into the
17 sort of things that might relate to this, and they
18 were not homogenous. We couldn't say these were
19 all one thing and rule it out from what we saw, so
20 we brought them all back.
21 Q. This is more of a general description
22 with respect to the descriptions that are within
23 the index that we marked as Ramsay exhibit 8.
24 Did you inquire or determine that if
25 there was a description for a particular box entry,

1
2 STFI commissions, only contains that type of
3 document STFI commissions, or that category of
4 documents?
5 A. Only in the sense that it tended to be
6 true throughout this documents, that if there was a
7 description and you looked at five boxes with the
8 same description, it was five boxes with the same
9 type of document, generally. I don't recall
10 exceptions to that really.
11 Q. Going to the page before that, page six
12 towards the bottom of the page, there's entries
13 descriptions for boxes where it says commissions
14 records.
15 A. Yes.
16 Q. Do you know what that refers to?
17 A. No.
18 Q. Based on your prior testimony, you did
19 not inquire, or Records Management people did not
20 have an understanding as to what that entry meant?
21 MR. DRISCOLL: Beyond what it says?
22 A. Commissions records appears to refer to
23 commissions made. I don't recall whether that
24 particular kind of entry was discussed, I don't
25 recall that it was.

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2 MR. SMITH: Just as to your last
3 comment, he's testifying, not you, okay.
4 MR. DRISCOLL: Are you mindful of the
5 seven-hour rule.
6 MR. SMITH: There's an awful lot of
7 stuff here.
8 MR. DRISCOLL: You're welcome to come
9 back to Kansas city.
10 MR. SMITH: You're welcome to come back
11 to New York.
12 MR. DRISCOLL: We've done it once.
13 MR. SMITH: The case is pending.
14 Q. I take it based on your review of the
15 index, based on the description that was within the
16 index of a particular set of boxes, you made a
17 determination based on that description to either
18 include or exclude a set of boxes for review?
19 MR. DRISCOLL: Object to the form of the
20 question. Misstates the witness's prior
21 testimony which provided at least four steps
22 in the review process, not just that one.
23 Q. After you had already received the
24 index, let's take Exhibit No. 8; how did you make
25 determinations based on what you saw on this index

1
2 A. Well, again, I'm not able to recreate my
3 thought process at the time exactly, but if it got
4 the Internet, Intermedia One, I was looking for
5 that sorts of clues as I went through it. I
6 suspect that it's part....
7 Q. Do you know why the other entries for
8 IVICR were not selected?
9 A. I believe, it would be when we reviewed
10 those types of documents they didn't produce
11 anything responsive.
12 Q. Based on your review of two boxes with
13 that description, your belief was that the rest of
14 the boxes with that description would not contain
15 responsive documents?
16 A. I believe that's the case, yes.
17 Q. What were the types of documents in the
18 IVICR box?
19 A. I don't recall, as I sit here.
20 MR. DRISCOLL: Would it help you to look
21 at a file of documents that describes the
22 response to the document request, to which
23 they're responsive.
24 MR. SMITH: I'm asking him questions.
25 If you want to ask him questions when I'm

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2 as to what documents to bring back for review, and
3 which ones not?
4 A. It was a process of going through the
5 indexes, identifying those which by description, or
6 in some cases date, identified appeared might
7 contain the step one, responsive documents. There
8 was a category or categories, that appeared
9 probably would not, but we thought maybe there was
10 at least sufficient chance they would, they ought
11 to be brought back too, to be reviewed to see what
12 types of documents were in there and then we
13 provided the indexes to Parus and invited them to
14 select boxes as well.
15 Q. Go to page nine of Ramsay Exhibit 8.
16 A. Okay.
17 Q. It has highlighted entries for in the
18 major description IVICR, do you see where I'm
19 referring?
20 A. I do.
21 Q. What does IVICR, to your knowledge,
22 refer to?
23 A. I'm not certain.
24 Q. Do you know why those particular boxes
25 were selected for review?

1
2 done --
3 MR. DRISCOLL: This is not a memory
4 test, it's a record Kevin, as is most of the
5 stuff that you've asked about in the last six
6 and a half hours.
7 MR. SMITH: I don't think it's been six
8 and a half hours, besides that, it's my
9 deposition not your deposition.
10 MR. DRISCOLL: Your deposition is about
11 over.
12 Q. If you go to page 12 of Ramsay Exhibit
13 8.
14 A. Okay.
15 Q. There's entries that are highlighted and
16 marked, see attached record.
17 A. Yes.
18 Q. Do you know why those were selected for
19 review?
20 A. Well they fell in that same category of
21 boxes that had no apparent date or description that
22 I could tell anything from, and I didn't feel like
23 I could rule them out 'til we looked at them.
24 Q. I think it's the next page, page 13 and
25 14, there should be an entry in the middle of the

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1
2 page for payroll ICX term EE files 2001.
3 A. Yes.
4 Q. Do you know what that refers to?
5 A. Not specifically, not as I sit here.
6 Q. There are several other entries below
7 those highlighted ones that have either the same or
8 similar terms, or active EE files. Were any of
9 those reviewed in subsequent reviews?
10 A. I don't recall, I don't believe so. I
11 don't recall for sure.
12 Q. Do you know why those particular ones
13 were selected, and others were not?
14 A. It would be at the time I selected the
15 second set, it was my impression that the first set
16 didn't produce anything responsive.
17 Q. If you go six pages after that.
18 A. Okay.
19 Q. There are highlighted entries for --
20 they have numbers, then it says audit folders?
21 A. Yes.
22 Q. Do you know why some boxes referred to
23 as audit folders and others -- why some were
24 selected, and others were not?
25 A. Again, it's a category of boxes that I

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2 thought not likely to have documents responsive
3 potentially. I wanted to see what they were.
4 Q. On a second review, did you review any
5 of the other boxes with that entry?
6 A. I don't remember specifically, but if
7 part of my review of documents I recall seeing
8 audit folders that turned out to be audits of Y 2 K
9 issues, computer issues, and not responsive.
10 MR. SMITH: Can you mark this as Ramsay
11 9.
12 (Ramsay Exhibit 9, document stating Iron
13 Mountain Records Center, 1 to 10 of 75 records
14 searched, marked for identification, as of
15 this date.)
16 Q. Mr. Ramsay, I marked a document I have
17 in front of you, what's been marked for
18 identification as Ramsay Exhibit 9. It has again,
19 at the top, Iron Mountain Records Center, and then
20 dropping down a few lines, one to 10 of 75 records
21 searched.
22 A. Yes.
23 Q. The way in which this document is set
24 up, it appears to be similar to, though not in the
25 same page length as Exhibit 4, but it appears as

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2 though it was something that was searched, or I'm
3 trying to find out from you what this document is?
4 A. I don't think it is the same as 4. I
5 think it's one of the other indexes they provided
6 from their searches.
7 Q. Within the first page under one to 10
8 of 75 records searched, there's an entry that says
9 "with status equals", right under it says "record
10 containing spectrum."
11 A. Yes.
12 Q. Do you know what that refers to?
13 A. It appears to me that they searched for
14 the term spectrum, and this is the result.
15 Q. Do you know why they were searching for
16 the spectrum?
17 A. I remember talking about this to someone
18 there because I believe the term spectrum was not a
19 term that we asked them to search, and I believe
20 someone there thought spectrum was in some way
21 related to some of the entities in this litigation.
22 I think they were trying to find records.
23 Q. When I took a quick look at Ramsay
24 Exhibit 9, I didn't see any boxes or the numbers
25 associated with boxes, highlighted for review. Is

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2 it correct, that you did not review any boxes
3 associated with Ramsay Exhibit number 9?
4 A. That is correct.
5 Q. Is that because there did not appear to
6 be documents that would be responsive to the
7 requests in this case?
8 A. Yes.
9 MR. SMITH: Can you mark this as Ramsay
10 No. 10?
11 (Ramsay Exhibit 10, index provided by
12 Records Management at WorldCom of their record
13 search, marked for identification, as of this
14 date.)
15 Q. You should have in front of you a
16 document we marked as Ramsay Exhibit No. 10. It
17 looks like a five-page document, doesn't seem to
18 have a heading to it. It has columns at the top,
19 box number, original name on box, item number, type
20 of binding company, and then description of
21 materials. Have you ever seen this document
22 before?
23 A. I have.
24 Q. Can you tell me what it is?
25 A. It's another index that they provided us

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2 from their computer searches.
3 Q. They, being Records Management at
4 WorldCom?
5 A. Correct.
6 Q. Do you know what they were searching for
7 that resulted in this index, what terms or names?
8 A. I don't recall specifically, no. As I
9 mentioned, there were a number of initial searches.
10 When we received the indexes we asked for more, and
11 we end up getting what we understood to be the
12 complete universe, which is a large part is 8, and
13 other indexes you've already discussed.
14 Q. I'm sorry.
15 In large measure, is the universe of
16 entries resulting from their searches in Ramsay
17 Exhibit No. 8?
18 A. 8, and others you marked here already.
19 Q. 4, 5, 6 and 7?
20 A. Yes. There were a series of searches
21 that produced these shorter indexes that we asked
22 for.
23 Q. You don't recall what search terms, or
24 names resulted in Ramsay Exhibit No. 10?
25 A. No.

1
2 A. I believe it's a duplicate, simply
3 printed out, landscape, yes.
4 Q. Is that what you are referring to --
5 A. Seeing it now, yes, I believe it is.
6 Q. From the other format which seems to be
7 in Ramsay No. 11, are you able to tell whether or
8 not any documents or boxes were selected for review
9 from this set?
10 A. I do not believe they were. If they
11 were, we would have advised you of it.
12 Q. So the shading, or highlighting doesn't
13 indicate that those boxes were selected?
14 A. No, I don't believe so. It's shading
15 done -- something other than by hand apparently.
16 Q. Either you or someone else at Stinson
17 had, in order to make that determination to select
18 boxes for review, looked at the description of the
19 materials that are contained in Exhibit 11?
20 A. I believe we did, yes.
21 Q. If you go to the fourth page of Exhibit
22 11, and it will be box number 62. It says
23 Intermedia, and then under the description it
24 appears to say JE logbooks.
25 A. Yes.

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2 Q. There are on some of the pages
3 highlighted, or what look to be shaded since
4 they're not colored on here, entries is it correct,
5 that those shaded entries are ones that you
6 selected for review?
7 A. No.
8 Q. Can you tell me what those shaded
9 entries mean?
10 A. No, I can't. I don't know, I don't
11 recall.
12 Q. Do you know if any of the boxes that are
13 contained within Ramsay Exhibit No. 10 were
14 selected for review?
15 A. I'm hesitating because this may be a
16 duplicate of another index that was printed in
17 another format, and I'm not certain.
18 MR. SMITH: Can you mark this as 11?
19 (Ramsay Exhibit 11, duplicate printout
20 in landscape format, marked for
21 identification, as of this date.)
22 Q. You should have in front of you what we
23 marked as Ramsay Exhibit No. 11. You can take a
24 look at that document as well. Do you recognize
25 Ramsay Exhibit No. 11?

1
2 Q. June 2000 Intermedia, do you know what
3 that refers to?
4 A. I don't for certain, no.
5 Q. Going up on that page under, I guess,
6 it's box 50.
7 A. Yes.
8 Q. It's a description management book
9 analysis balance sheet REC's, February to September
10 2001. It carries over to the following line. It
11 says STFI revenue elimination January to September
12 2001.
13 A. Yes.
14 Q. Do you know what those entries refer to?
15 A. I do not for certain, no.
16 Q. Dropping down below to box number 65 it
17 looks like, it says a description it says JE Jan
18 '01 - Sept '01.
19 A. I see that.
20 Q. Do you know what that refers to?
21 A. I don't.
22 Q. Do you know what JE stands for?
23 A. It sometimes refers to journal entry,
24 but I don't know what it is in this case.
25 Q. Do you know if it could be a person's

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2 initials, or something like that?
3 A. It's possible.
4 Q. Box number 68, if you look under the
5 description for that it says GLIFC 2000, GLDGX
6 2000, GLD Roman numeral two or two I's, 2000,
7 GLINT8 / 2000. Do you know what that refers to?
8 A. I don't for certain, no.
9 Q. On the following page box 71.
10 A. Devnet concession fees.
11 Q. Right. There's a number of different
12 entries, then there's an entry for shared revenue
13 2001, and then below that within the same box it
14 appears ICIMGNT book 7 / '01. Do you know what any
15 of those entries mean?
16 A. Other than what's said there, I don't
17 know.
18 Q. With respect to any of the entries and
19 the descriptions, aside from what just may be
20 within the words that are there, do you have any
21 idea of what they refer to?
22 A. I know they do not appear to me to have
23 a significant likelihood of anything in response to
24 -- that's my view of it.
25 Q. Just so I'm clear, Ramsay Exhibit No.

1
2 Donald C. Ramsay, marked for identification,
3 as of this date.)
4 Q. Mr. Ramsay, you should have in front of
5 you what we marked for identification as Ramsay
6 Exhibit 12. Again, it has the same caption for the
7 case United States Bankruptcy Court for the
8 Southern District of New York In Re WorldCom Inc.
9 and the title or caption to the document is
10 declaration of Donald C. Ramsay. Did you prepare
11 this document.
12 A. I provided the information for it, for
13 the document, but I don't believe I drafted in.
14 Q. What did draft it?
15 A. I believe Allison Murdock.
16 Q. But you provided the information that's
17 contained in all the paragraphs within Exhibit 12?
18 A. Yes.
19 Q. And that's your signature on the third
20 page?
21 A. Yes.
22 MR. SMITH: Can you mark that as Ramsay
23 13.
24 (Ramsay Exhibit 13, supplemental
25 declaration of Donald C. Ramsay, marked for

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2 11, is the same index as Ramsay Exhibit No. 10,
3 just in a different format?
4 A. It appears to be.
5 Q. Do you recall there being any other
6 indices that were produced in the case?
7 A. I don't now recall any others.
8 MR. DRISCOLL: Just so the record is
9 clear, the balance of that question is from
10 which the boxes were selected for review?
11 MR. SMITH: That was my intention, that
12 was the intended question if that's --
13 A. As intended, I don't recall is the
14 answer.
15 Q. Putting aside electronic documents or E
16 discovery, that is not to be covered in this
17 deposition; is the debtor's review and production
18 of documents completed in your view?
19 A. I believe it is, yes.
20 Q. Are there any other data bases, or
21 indices, or documents that are being reviewed for
22 production in this case?
23 A. Not currently, no.
24 MR. SMITH: Can you mark that as 12?
25 (Ramsay Exhibit 12, declaration of

1
2 identification, as of this date.)
3 Q. Mr. Ramsay, you should have in front of
4 you what we marked for identification as Ramsay
5 Exhibit 13. Again, same caption United States
6 Bankruptcy Court in the Southern District of
7 New York, In Re WorldCom, the title of the document
8 is supplemental declaration of Donald C. Ramsay.
9 A. Again, Allison Murdock prepared it,
10 drafted it.
11 Q. Did you understand what this document
12 was being attached to?
13 A. I did.
14 Q. What was that?
15 A. Our supplemental response to motion to
16 compel.
17 Q. Is that your signature on the second
18 page of Ramsay Exhibit 13?
19 A. Yes.
20 Q. The e-mails that have been produced in
21 the case by WorldCom or by the debtors, where did
22 those e-mails come, from the hard copy e-mails that
23 have been produced?
24 A. Several sources to my knowledge, among
25 them -- well you want the name or the -- Steve

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2 Hooper provided some, Mike Randles provided them,
3 and there are others that were produced before my
4 involvement in the case, and I'm not certain of the
5 source. There may have been e-mails. I don't
6 recall part of the stored documents that were
7 produced.

8 MR. SMITH: Can you mark that as Ramsay
9 14?

10 (Ramsay Exhibit 14, production response
11 headed "Document Index by Request Number,"
12 marked for identification, as of this date.)

13 Q. You should have in front of you
14 Mr. Ramsay, what we marked for identification as
15 Ramsay Exhibit 14.

16 A. I do.

17 Q. Do you recognize the document?

18 A. Yes.

19 Q. What do you recognize it as?

20 A. It's a document we provided, along with
21 our response, as part of our response to the first
22 request for documents.

23 Q. If you go to Page three of the Exhibit,
24 it has the heading document index by request
25 number.

1
2 Iron Mountain box number on them.

3 Q. When you say the depository in Virginia,
4 you're referring to the corporate library?

5 A. Yes. The reason for my hesitation is,
6 I'm not certain whether this first request included
7 documents from Mike Randles, or whether that was
8 part of the second supplemental response, which
9 documents, that is, the Mike Randles. The
10 documents from Mike Randles also would not have had
11 an Iron Mountain box number associated with them.

12 Q. If you go to page six of the Exhibit.

13 A. Yes.

14 Q. In the middle of the page, there's a
15 start of box numbers starting with 177204262.

16 A. Correct.

17 Q. Where are those documents from, that are
18 referred to within that entry?

19 A. Where, meaning what physical --

20 Q. Are they boxes from, for example, the
21 Orlando, Florida set of documents, or from some
22 Iron Mountain facility, or someplace else?

23 A. I'd have to refer back to the indexes to
24 be sure of this box.

25 Q. This box would correlate with whatever

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2 A. Yes.
3 Q. It's a table, box number, Bates number
4 and correspondence request number across the top.

5 A. Yes.

6 Q. Under box number, there's in the first
7 entry, it says not from Iron Mountain boxes.

8 A. Yes.

9 Q. What does that refer to?

10 A. It refers to at least documents, well
11 I'm not -- I'm hesitating because I'm not sure
12 which were produced with which production, but the
13 same is true of our second production. There was a
14 list of not Iron Mountain.

15 Q. If you look at the first page of Ramsay
16 Exhibit 14 where it says at the very top under the
17 sort of caption, it says MCI's response to first
18 request of documents September 22, 2005, does that
19 give you any indication then of what the not from
20 Iron Mountains boxes...

21 A. My guess- well it would include those
22 documents I described to you as documents that were
23 provided by Steve Hooper. I believe, it may
24 include some documents from the depository in
25 Virginia that were sent to us that didn't have an

1
2 is in the indices?

3 A. Should make it transparent.

4 Q. If you go to the ninth page of the
5 Exhibit, the last page, it looks like three entries
6 with a VA prefix and then the number, what does the
7 VA stand for?

8 A. VA is refreshing my memory a bit. Some
9 of the boxes from Ashburn, Virginia were not Iron
10 Mountain box numbers, but they had -- they may have
11 been Iron Mountain, in fact, I'll say that they
12 probably were, it's just a different number, but
13 they're from Virginia and they were one through 20
14 or 02 and 016, that sort of number on them. I'm
15 not certain if it was an Iron Mountain number, or
16 whether it was their number, boxes had been
17 numbered.

18 Q. The VA number would have been referring
19 to Virginia and whatever the depository was in
20 Virginia; that's what this is referring to?

21 A. Right, correct.

22 MR. SMITH: Can you mark this as Ramsay
23 15.

24 (Ramsay Exhibit 15, MCI supplemental
25 response on October 7, 2005, marked for

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2 identification, as of this date.)
3 Q. You should have in front of you, what we
4 marked as Ramsay Exhibit 15.
5 A. Yes.
6 Q. Do you recognize the document?
7 A. I do.
8 Q. What do you recognize it as?
9 A. It's the same information, only with
10 regard to MCI supplemental response on October 7,
11 2005.
12 Q. And the production that was made on
13 October 7, 2005, was the result of the second
14 review?
15 A. Yes.
16 Q. Of the 70 boxes you referred to?
17 A. And if my memory is correct, and I'm not
18 certain about that, it also included Mike Randles's
19 documents, documents obtained from Mike Randles.
20 Q. In addition, I think you had testified
21 earlier, was that your recollection was that the
22 MCI documents as that term is referred to in the
23 supplemental response, included the Steve Hooper's
24 documents that you believe exist?
25 A. Correct.

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2 Q. Specific individuals?
3 A. I can't think of anybody that I haven't
4 named.
5 Q. I'm specifically referring to the people
6 at Records Management, as others who were involved
7 in the identification or location of documents, and
8 I was excluding in my mind the people who you
9 contacted, or someone from Stinson contacted
10 directly who you believe may have had some
11 involvement in the case. That's what I was
12 focusing on.
13 A. You know, as I sit here, I think there
14 may have been another person or two, some people
15 whose names I don't now remember. There's a
16 gentleman whose name I can't call up right now
17 beginning with F, Fuiridi (phonetic) or something
18 to that effect, and I think -- oh, Margie Polgar.
19 As I sit here, there was another person. It's hard
20 to, over the course of a year, to sit here and call
21 up all the names.
22 Q. You mentioned a person by the name of
23 Margie Polgar?
24 A. Yes.
25 Q. What was her role in this?

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2 Q. Did it also include a Mike Randles?
3 A. I don't believe we had identified those
4 at that time.
5 Q. Aside from the names of other attorneys
6 at Stinson that you mentioned today, were there any
7 other attorneys at Stinson involved in the
8 production or review of documents in the case?
9 A. Not that I recall. I think I named them
10 all.
11 Q. Aside from Mr., I think it's Wachen,
12 in-house attorney at WorldCom, aside from him, were
13 there any other attorneys at WorldCom involved in
14 the location or review of documents in the case?
15 A. Not that I recall.
16 Q. Aside from the individuals that you
17 mentioned from Records Management Group at
18 WorldCom, is there any other individuals or groups
19 for that matter, involved in the location or
20 identification of documents that were requested in
21 this case?
22 A. We're talking about hard copy?
23 Q. Correct.
24 A. Well, I've named others that weren't
25 with Records Management review that we talked to.

1
2 A. And I was given her name as someone who
3 might have accounting records relating to
4 Intermedia.
5 Q. Did you speak with her?
6 A. Yes.
7 Q. Did she conduct a search for any kind of
8 records regarding Intermedia?
9 A. Yes.
10 Q. How did she go about conducting her
11 search?
12 A. The words I remember her using was --
13 were something to the effect, that she would ask
14 her team to search, and I don't know physically how
15 they did that.
16 Q. Do you know what they were searching?
17 A. Accounting records, as I recall. She
18 was someone who was thought, might have information
19 about the location of Intermedia accounting
20 records.
21 Q. Do you know how they conducted the
22 search?
23 A. I'm not certain.
24 Q. Do you know if they searched actual hard
25 copy documents, or did they search through a data

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2 base of some sort?
3 A. I don't recall, don't recall.
4 Q. Do you know what --
5 A. Don't believe there was a data base, but
6 whether they were checking their own files or
7 calling other people, I'm not certain.
8 Q. Do you know what search terms they used?
9 A. I don't.
10 Q. Were there any individual --
11 A. She was looking in general, for any
12 accounting records. I don't think it was a search
13 term process.
14 Q. Where were the accounting records based,
15 that she was having her team look for?
16 A. I don't recall, don't recall if there
17 was a location that was identified.
18 Q. Where was she based?
19 A. I don't recall that either. Talked to
20 her on the phone.
21 Q. Did her review or search, or her team's
22 review or search, result in any documents?
23 A. They were not able to locate any.
24 Q. Were they looking in WorldCom documents,
25 or some other source?

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2 mentioned Margie Polgar, who you spoke to regarding
3 accounting records. Do you remember if there were
4 other types of records that you spoke with a person
5 about, as opposed to the name of a person?
6 A. I believe by and large, most of them
7 were any documents relating to EffectNet,
8 Intermedia, Webley, MCI, the merger, anything of
9 those sorts of things, indices, in relationship to
10 those parties, or those contracts, and the contract
11 with EffectNet contract, with master software
12 licensing agreement.
13 Q. Did you ever ask any of those
14 individuals about WorldCom competing Unified
15 Messaging plan?
16 A. Yes.
17 Q. All of the individuals you mentioned
18 already?
19 A. I can't sit here today, say that I
20 recall asking about that to people I talked to.
21 Q. I may have asked you this with respect
22 to particular individuals, but I'll ask it globally
23 in terms of the conversation you had with all of
24 the individuals. Did you take notes of those
25 conversations with individuals regarding your

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2 A. I don't recall.
3 Q. Were there any other individuals that
4 you spoke with or communicated with, or that
5 Stinson spoke with, communicated with, regarding
6 the search for documents?
7 A. Again, I talked to people over the
8 course of almost a year. I don't think I could sit
9 here and be absolutely certain of saying every
10 name, but I don't recall any others as I sit here
11 today.
12 Q. Do you recall if there were others aside
13 from what you mentioned?
14 MR. DRISCOLL: Didn't you just ask that?
15 MR. SMITH: I don't know. I'm trying to
16 get a clear answer.
17 A. I would be willing to guess there were,
18 but I just I can't remember who they might be, or
19 whether there were for certain. It's just that, in
20 the normal course of events, if you ask somebody who
21 name everybody they talked to, it's quite possible
22 that I left somebody out, so I can't be certain.
23 Q. Do you remember if you spoke with anyone
24 other than who you mentioned already, regarding
25 other types of documents, and as an example, you

1
2 requests for documents?
3 A. Sometimes yes, and sometimes no.
4 Q. Which ones did you take notes versus
5 which ones you didn't?
6 A. I remember some, some I don't and --
7 Q. Who were the ones you remember that you
8 took notes?
9 A. I remember taking notes of Kathleen
10 Victory, Richard Black, Barry Zip, Teresa Hastings.
11 I believe I have some notes of conversations with
12 Margie Polgar, and I believe there probably are
13 notes of others, but I don't recall. The notes may
14 be simply yes or no they have documents, they said
15 they don't have documents, that's all.
16 Q. I understand.
17 (Recess taken.)
18 Q. When you first went and contacted or
19 communicated with the internal WorldCom records
20 management people, what was the, I guess, what was
21 the data base that they were going to search, what
22 did that encompass?
23 A. The data base they're searching is
24 again, my understanding it's a data base of all
25 stored boxes or documents.

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1
2 Q. Okay, and did the data base -- was the
3 data base made up of only what's in these indices
4 that were produced to us, or does the data base
5 have a larger group of names or terms within them
6 that the search terms were plugged into?

7 MR. DRISCOLL: Asked and answered
8 multiple times.

9 Q. I'm just not understanding how that
10 worked.

11 A. I'm, I guess, I'm not exactly sure I
12 understand this particular question.

13 Q. When the WorldCom records management
14 people, not specific names, but just the group did
15 the search using whatever search terms were
16 provided to them, what was the data base that the
17 search terms went into to then generate the indices
18 that we now have?

19 MR. DRISCOLL: Are you asking for its
20 name?

21 MR. SMITH: No, not the name but --

22 Q. Do you understand my question?

23 A. I don't. Other than the answer I gave
24 before, the data base of information relating to
25 all the stored documents. So beyond that, you

1
2 Q. What we have here on Ramsay Exhibit No.
3 4 is just the description that someone input within
4 this Iron Mountain Record Center document, right?

5 A. Say that again? That they printed, or
6 that somebody entered, yeah.

7 Q. No, Ramsay Exhibit No. 4 is an index
8 that you provided to us, correct?

9 A. Correct.

10 Q. Is the data base that WorldCom records
11 management searched, look similar or the same, as
12 what is the document Ramsay Exhibit No. 4?

13 MR. DRISCOLL: I'm sorry, counsel. Are
14 you asking him to what it looks like on a
15 screen?

16 MR. SMITH: In any way, or any form. I
17 just don't understand.

18 Q. Did you understand my question?

19 A. I don't beyond, really -- I am confused
20 by what you're asking. I mean, it appears it
21 prints up in a couple of forms, but it's the same
22 information that pulls up with regard to stored
23 documents. So beyond that, I don't, I don't
24 follow, and I apologize for that, but I'm not sure.

25 Q. I'm trying to frame this so that you

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1
2 obviously intend something else by that, but it
3 seems to me the same question. I don't know.
4 Q. What I'm trying to understand is, when
5 records management at WorldCom did a search of the
6 data base, what was the information that was in the
7 data base? Was it were they searching the actual
8 contents of each document, or were they searching
9 just in a data base made up of another index?

10 MR. DRISCOLL: Object to the form of the
11 question. Asked and answered, also confusing.

12 A. I'm having trouble, honestly,
13 understanding your question. My understanding is
14 that the data base has the information that you see
15 in your indexes, and that's pulled up when they
16 search for the terms or names or dates.

17 Q. I guess what I'm not understanding is,
18 in their computer, what was actually in the
19 computer that they were searching for, boxes?

20 A. I don't know beyond what prints out.

21 Q. Maybe if you go back to Ramsay Exhibit
22 No. 4, and it has for example, on the first page
23 the entries within the major, minor and long
24 description, right?

25 A. Correct.

1
2 understand my question, so I can find out exactly
3 how the whole process worked, because I'm not
4 clear, that I'm not hundred percent clear, as to
5 how the searches occurred based on your terms, that
6 you gave people at WorldCom records management what
7 they then did to generate these indices, and so did
8 they, I guess, my question in one way, is did they
9 search an index of documents as opposed to a data
10 base?

11 A. Well, this is -- my understanding as a
12 data base can be an index. That's one form of a
13 data base, so I don't distinguish those
14 necessarily. What I know, is that they conduct an
15 electronic search for information on their system
16 to identify boxes of documents.

17 Q. Do you have an understanding as to what
18 was the electronic information on their system?

19 A. I don't, beyond what prints, what shows
20 up when they send you an index. That information
21 is quite apparently on this system.

22 Q. All right, so then going back to my
23 question about Ramsay Exhibit No. 4, for example,
24 the print out, and just taking it as the example,
25 the first page is the print-out that they provided,

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1
2 the information that they searched for, was it a
3 larger volume of information that they searched to
4 then be reduced to this index?
5 A. The latter, as my understanding. It was
6 a larger volume that they searched to be reduced to
7 that index.
8 Q. Do you know what was contained within
9 that larger volume of information?
10 MR. DRISCOLL: Asked and answered.
11 A. Do I know what everything in the larger
12 volume is, no.
13 MR. DRISCOLL: You've already answered
14 it multiple times. Give the same answer
15 again.
16 A. It's the universe of stored documents
17 across corporate lines.
18 MR. DRISCOLL: That's the last time.
19 Q. Maybe I can use an example, just so that
20 I can understand this. In their data base when
21 they conducted a search, did the search terms pull
22 up documents that contained those terms, or did
23 they just pull up an index for a particular box
24 that contained that search term?
25 A. I don't believe they pulled up

1
2 then moved on?
3 A. At least I was advised that - that was
4 what they had been asked to do, and that they did,
5 and that information was taken and used to create
6 to put into the system, yes.
7 Q. My understanding is also, and correct me
8 if I'm wrong, that the same thing was done with
9 respect to WorldCom / MCI employees as well,
10 whether or not they were let go or not.
11 A. I don't have an understanding of that.
12 I'm not certain how that was done.
13 Q. Do you know if the data base of
14 documents of WorldCom MCI documents are maintained
15 in the same way that the Intermedia documents are
16 maintained?
17 A. I'm not certain.
18 Q. Do you know if the searches of the
19 WorldCom MCI documents are searches at a box level
20 index?
21 A. I believe they are.
22 Q. Do you know if the Intermedia documents
23 are kept in the same locations as the MCI WorldCom
24 documents?
25 A. Certainly didn't appear to me that they

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203

1
2 documents. My understanding is that the indexing
3 is done in what they refer to as a box level, not a
4 document level, so their search would be of
5 descriptions of boxes of documents.
6 Q. Okay.
7 A. Is that --
8 Q. That's what I was trying to find out,
9 because earlier today, my understanding was that
10 the searches of the data base were searches of the
11 documents that might have contained whatever the
12 terms were that you provided.
13 A. If I led you to believe that, that's not
14 my understanding. My understanding is that they
15 are indexed at the box level, not the document
16 level.
17 Q. And so the search done by the records
18 management people was of box indices that might
19 have contained whatever the search term was?
20 A. That's correct.
21 Q. All right. And then the next step, the
22 people, or individuals who created those indices at
23 the box level, were at least with respect to
24 Intermedia people, who took their boxes from their
25 offices, boxed them up, created their indices, and

1
2 are in all cases. I don't have a sense -- I don't
3 know. I know that there's a great number of the
4 Intermedia boxes in Orlando. Whether there are
5 also MCI boxes there, I'm not certain, no.
6 Q. In terms of the volume of boxes as I
7 understand it, based on the search done by the
8 WorldCom records management people, they located
9 potentially -- potential documents to be reviewed,
10 approximately ten thousand boxes.
11 A. Yes.
12 Q. And that's -- that ten thousand boxes is
13 what's in these indices that were produced to us
14 correct?
15 A. Correct.
16 Q. And then you, not you personally, but
17 Stinson, looked at the indices, reviewed them to
18 make determinations as to whether to review the
19 boxes themselves for potential production in the
20 case; is that accurate?
21 A. That's accurate.
22 Q. And that's what then was culled down to
23 the 12 and a half boxes that have been produced to
24 date?
25 A. Don't recall the exact number of boxes,

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1
2 but whatever it is, yes.
3 Q. 10 to 15 boxes?
4 A. Yes.
5 Q. When you did the -- you and others at
6 Stinson did the review of the indices, did you keep
7 notes of the review to keep track of what you were
8 deciding may or may not come back for review?
9 A. I don't believe that we did, I don't
10 believe I did.
11 Q. Do you know if anyone else at Stinson
12 did?
13 A. Not that I'm aware of.
14 Q. Take a look at Ramsay Exhibit 14,
15 please.
16 A. Which one is that?
17 MR. DRISCOLL: It's the first request
18 for document response, December 22.
19 A. Okay.
20 Q. Take a look on your Ramsay Exhibit No.
21 14, request number 18. It's a communication among
22 debtors concerning the general agreement.
23 A. Yes.
24 Q. Within the series of documents
25 Bates-numbered, and then the corresponding request

1
2 (Ramsay Exhibit 16, document concerning
3 communications among debtors regarding the
4 general agreement, marked for identification,
5 as of this date.)
6 Q. When you've had a chance to take a look
7 at Exhibit 16, let me know.
8 A. Okay.
9 Q. Do you know how this document concerns
10 communications among debtors regarding the general
11 agreement?
12 MR. DRISCOLL: It is your
13 representation, I gather counsel, that the
14 document with data on it is part and parcel of
15 MCI W026076 document.
16 MR. SMITH: It has the Bates numbers MCI
17 W026076 through MCI W026077.
18 A. I mean -- sorry, I don't mean to
19 interrupt.
20 MR. DRISCOLL: Go ahead.
21 A. There's a reference to hundred thousand
22 total active subscribers Unified Communications,
23 and it appears to be a list of contracts. I don't
24 know whether I thought that was a set that was
25 communicated between the entities, must have.

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207

1
2 numbers, there are -- there is based on our review,
3 only one document that concerns the termination,
4 excuse me, the communications among the debtors
5 regarding, concerning the general agreement.
6 A. Whatever it shows, I'll rely on the
7 document.
8 Q. It actually comes up in Ramsay Exhibit
9 No. 15, my apologies.
10 MR. DRISCOLL: This deposition has been
11 ongoing for 7 hours, even considering the late
12 time. Do you have a sense if you will ever
13 finish, and if so when?
14 MR. SMITH: Very shortly.
15 MR. DRISCOLL: When is that, can you
16 quantify it?
17 MR. SMITH: I don't want to put a
18 specific time on it. I disagree with you on
19 the timing of how long we've been going.
20 MR. DRISCOLL: You're wrong. Anyway, go
21 on. How much longer?
22 MR. SMITH: Fifteen minutes at most.
23 MR. DRISCOLL: Let's go.
24 MR. SMITH: Can you mark this as Exhibit
25 No. 16.

1
2 Pending contracts, completed contracts. It's a
3 list of --
4 Q. Do you know why there's only one such
5 document concerning communications among debtors
6 regarding the general agreement?
7 A. Well --
8 MR. DRISCOLL: The answer is, do you
9 know.
10 A. I don't know.
11 Q. On the first page of that Exhibit which
12 is MCI W026076, it looks like a file folder, a copy
13 of a file folder that says NERF meeting.
14 A. Correct.
15 Q. Do you know what that refers to?
16 A. I do not.
17 Q. Did you ever inquire of anyone at
18 WorldCom, as to why there were no other documents
19 concerning communications among debtors regarding
20 the general agreement?
21 A. Don't recall that I did.
22 Q. Did you ever communicate with anyone at
23 WorldCom as to what the meaning of NERF is?
24 A. I don't recall.
25 Q. Do you know if anyone at Stinson did?

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1
2 A. I don't recall.
3 MR. SMITH: Can you mark this as 17
4 please?
5 (Ramsay Exhibit 17, documents concerning
6 terminations of customer accounts with
7 Intermedia customers, marked for
8 identification, as of this date.)
9 Q. Our review of the documents indicated --
10 I'm not going to show him the document.
11 MR. DRISCOLL: You marked this.
12 MR. SMITH: I'm not showing it to him
13 yet. I'm asking him a question about
14 something else.
15 MR. DRISCOLL: Go ahead.
16 Q. -- that there were one or two documents
17 that were produced concerning the termination of
18 the Intermedia One product after the merger of
19 WorldCom and Intermedia. There are numerous
20 documents produced concerning termination of
21 accounts with Intermedia customers, and do you know
22 why there were not any more documents than the one
23 or two that were produced concerning the internal
24 communications about the termination of Intermedia
25 One?

1
2 I don't see a reference to cancellation
3 in this particular one. They may be missing it,
4 but I do see it relates to an Intermedia One
5 account.
6 Q. A customer account?
7 A. Yes.
8 MR. SMITH: Can you mark this as Ramsay
9 18 and 19.
10 (Ramsay Exhibit 18, document concerning
11 communications among the debtors regarding
12 cancellations of accounts, marked for
13 identification, as of this date.)
14 (Ramsay Exhibit 19, document concerning
15 communications among the debtors regarding
16 cancellations of accounts, marked for
17 identification, as of this date.)
18 Q. I'm going to give you what we marked as
19 Ramsay No. 18 and 19. Both of these documents
20 Bates-numbered MCI W014221 and MCI W014253, appear
21 to me to be -- they look to be the same document,
22 just with a different Bates number.
23 A. Appears so.
24 Q. Based on our review of the documents,
25 these are the only documents that appear to relate

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1
2 A. I don't agree with your
3 characterization, that there were only one or two.
4 I believe there were more than that.
5 Q. Do you recall there being a production
6 of documents, a large volume of documents, that
7 concerned Intermedia's termination of its own
8 customer accounts?
9 A. I recall there were a number of
10 documents. I don't know what large is. I don't
11 think I knew how many there were, but I remember
12 there were documents.
13 Q. Just as an example, I'm going to show
14 you Exhibit No. 17, what we've marked as Exhibit
15 No. 17. And if you could take a look at that and
16 tell me whether or not that is what would represent
17 the documents concerning terminations of customer
18 accounts with Intermedia customers, either
19 terminations or cancellations, whatever the
20 terminology is.
21 A. Well, this particular one, let me --
22 relates to Intermedia One, and you requested
23 documents relating to Intermedia One. I'm not
24 certain whether this is a cancellation. Let me go
25 through it.

1
2 to documents concerning communications among the
3 debtors regarding cancellations of accounts. My
4 question to you is, why is that the case?
5 A. I don't know. I don't know that it is
6 the case, but I don't know.
7 MR. SMITH: Okay, I think I'm done.
8 (Time noted: 6:45 p.m.)
9
10 DONALD C. RAMSAY
11
12 Subscribed and sworn to before me
13 this ____ day of _____, 2005.
14
15
16
17
18
19
20
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23
24
25

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1
2 CERTIFICATE
3 STATE OF NEW YORK)
4 : ss.
5 COUNTY OF QUEENS)
6
7 I, MIRIAM KAPLAN, a Notary Public within
8 and for the State of New York, do hereby
9 certify:
10 That DONALD C. RAMSAY, the witness whose
11 deposition is hereinbefore set forth, was duly
12 sworn by me and that such deposition is a true
13 record of the testimony given by the witness.
14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or marriage, and that I am in no way
17 interested in the outcome of this matter.
18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 15 day of November, 2005.
20
21 _____
22 MIRIAM KAPLAN
23
24
25

1
2 library D1-1-400 ref DISS, is WorldCom/
3 Intermedia Acquisition 2001
4 Ramsay Exhibit 7, document stating DEPT 138
5 record CUST box, WorldCom Unified
6 Messaging
7 Ramsay Exhibit 8, large spreadsheets 148
8 with a list of boxes
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14 record search
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20 declaration of Donald C. Ramsay
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22 headed "Document Index by Request
23 Number
24 Ramsay Exhibit 15, MCI supplemental 188
25 response on October 7, 2005

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1
2 *** ERRATA SHEET ***
ESQUIRE DEPOSITION SERVICES
3 216 EAST 45TH STREET
NEW YORK, NEW YORK 10017
4 (212) 687-8010
5 NAME OF CASE: WORLD.COM, INC., REORGANIZED DEBTORS
DATE OF DEPOSITION: NOVEMBER 14, 2005
6 NAME OF WITNESS: DONALD C. RAMSAY
PAGE LINE FROM TO
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21 DONALD C. RAMSAY
22 Subscribed and sworn to before me
23 this ____ day of _____, 2005.
24
25 (Notary Public) My Commission Expires:

Donald Ramsay 11/14/2005

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